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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:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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	LABOR			LABOR

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

Comments on this 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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rules and regulations

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

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

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2814]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Nationwide Training Services, Inc., et al.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.15–70 Financing activities; 13.15–225 Personnel or staff; 13.15–245 Prospects; 13.15–255 Reputation, success, or standing; 13.15–275 Stock, product, or service; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–95 Terms and conditions; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing; § 13.260 Terms and conditions. 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(c) Complaints; 13.533–45(e) Correspondence. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1525 Private business as foundation; § 13.1540 Reputation, success or standing; § 13.1553 Services. —Goods: § 13.1608 Dealer or seller assistance: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1625 Free goods or services; § 13.1670 Jobs and employment; §13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. —Promotional sales plans: § 13.1830 Promotional sales plans. —Services: § 13.835 Cost; § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptive, to make material disclosure: § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 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: § 13.1935 Earnings and profits; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions; § 13.2085 Tuition. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

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

In the matter of Nationwide Training Service, Inc. Formerly Known as Nationwide Heavy Equipment Training Service, Inc. a Corporation, and Raymond E. Phillips Individually and as an Officer of Said Corporation

Consent order requiring a Strunk, Ky., training school for heavy equipment operators, truck drivers, and related occupations, among other things to cease using unfair means and deceptive advertising to sell their courses, misrepresenting affiliation with various industries, employment opportunities, salary potential for training course graduates, training cost, manner of payment, training facilities and training programs, and job placement assistance. Respondents are required to make certain affirmative disclosures to students including three-day cooling-off period to cancel contract and have monies refunded. Respondents are further ordered to police the activities of salesmen and brokers engaged in the sale of respondents' training courses, to ensure compliance with the order.

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

ORDER

It is ordered, That respondents Nationwide Training Service, Inc., a corporation, its successors and assigns, and Raymond E. Phillips, individually and as an officer of said corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, susidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in heavy equipment operation, truck drving or any other subject, trade or vocation, or in connection with any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

I

1. Representing, directly or by implication, orally or in writing, that:

(a) They are, or represent, or are affiliated with, construction or trucking companies or any industry for which enrollees of any courses offered by respondents are being trained; or misrepresenting, in any manner, the nature of their business.

(b) Persons receiving training will, or may, earn any specified amounts of money; or misrepresenting by any means the prospective earnings of such persons for employment after completion of said training.

(c) They have been requested by construction and trucking companies or any other business or organization to train persons for specific jobs; or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

(d) Graduates of any courses will be qualified thereby for employment at jobs for which said graduates were purportedly trained, when additional training or experience is required.

(e) The nature of the initial payment by prospective enrollees of any courses prior to the undertaking of a formal obligation to respondents, is not that of a non-refundable tuition fee; or misrepresenting, in any manner, the nature of any payment made by prospective enrollees of any courses offered by respondents.

(f) They, or others, will permit enrollees of any courses offered by them to defer payment of the balance of the cost of said courses remaining after the initial or registration fee has been paid until after the enrollee has completed said courses and commenced employment; or misrepresenting, in any manner, the terms or conditions under which payment is to be made for said courses.

(g) They, or others, will handle or arrange financing of the balance of the cost of said courses remaining after the initial or registration fee has been paid, unless respondents, or others specifically named, will in fact, handle or arrange such financing.

(h) They, or others, provide a placement service which may or will secure a job for graduates of said courses.

(i) Graduates of said courses are assured jobs as a consequence of graduating from said courses.

(j) There is an immediate or substantial demand, or a demand of any size or proportion, for persons completing any of the courses offered by the respondents in the field of truck driving or any other field, or otherwise representing, orally or in writing, that opportunities

for employment, or opportunities of any type or number, are available to such persons, except as hereinafter provided in Paragraph 7 of this Order. Provided, however, that respondents shall cease and desist making such representations unless the respondents in each and every instance:

(1) Until the passage of a base period to be determined pursuant to Paragraph 7(b) of Part I of this Order, after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) Have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made and

(B) Have disclosed in immediate and conspicuous conjunction with any such representation, that: "All representations for potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

(2) After the passage of a base period to be determined pursuant to Paragraph 7(b) of Part I of this Order, and until two years after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) Make any such representations in the form and manner provided in Paragraph 7(b) of Part I of this Order, and

(B) Disclose in immediate and conspicuous conjunction with any such representation, that: "This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

2. Placing ads in "Help-Wanted" columns or representing by any means that employment is being offered when such offer is not a bona fide offer of employment.

3. Accepting as enrollees in courses offered by respondents persons sent to respondents by, or otherwise utilizing the services of, brokers, or solicitors who engage in any of the acts or practices prohibited by this Order, or who otherwise misrepresent in any way the training program offered by respondents, the type of training equipment utilized by respondents, the tuition-financing arrangements, the assistance furnished to graduates in obtaining employment and the availability of employment opportunities, and other matters.

4. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course offered by respondents, the full cost of such course including the fee for any home study lessons and for any residential training.

5. Failing to place the title "CONTRACT", in bold face type, on any document which evidences an agreement between a person and respondents relating to the purchase of any of the courses offered by respondents; and failing to remove from any such document the word "application", or words of similar import or meaning.

6. Failing to show each prospective purchaser the home study portion of said courses and allow said prospective purchaser a reasonable time for examination of said home study materials before said prospective purchaser has paid any money or has signed any contract, or has obligated himself in any other way.

7. Failing to send by certified mail, return receipt requested, to each person that shall contract with respondents for the sale of any course of instruction a notice which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) Paragraphs containing the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B:

(1) The placement rate, ratio or percentage for graduates, and also the numbers upon which such rates, ratios or percentages are based;

(2) A list of firms or employers which are currently hiring graduates of respondents' courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (b) 1 above;

(3) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (b) 1 above;

(4) The percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility.

(c) An explanation of the cancellation procedure provided in this Order, namely that any contract or other agreement may be cancelled for any reason until midnight of the third business day after receipt by the customer, via the U.S. Mails, of this notice.

(d) A detachable form which the person may use as notice of cancellation, which indicates the proper address for accomplishing any such cancellation.

This notice shall be sent by respondents no sooner than the next day after the person shall have contracted for the sale of any course of instruction; respondents, during such period provided for in subparagraph (c) above, shall not initiate contact with such person other than that required by this Paragraph.

Provided, however, that subparagraph (b) above shall be inapplicable to any newly established school that respondents may establish in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above. The following statement shall be included in such notice during such period:

"All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course)."

After such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above, and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or the introduction of any new course by respondents, the following statement shall be included in such notice:

"This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course)."

8. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to midnight of the third business day after the date of receipt by the customer of the form of notice provided for in Paragraph 6 above. Upon cancellation of any said sales contract or other agreement as provided in Paragraph 7(c) above, respondents are obligated to refund within three business days to any person exercising the cancellation right, all monies paid or remitted up until the notice of cancellation.

9. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the construction industry, the trucking industry or any member of any other industry.

10. Failing to refund promptly to purchasers who have cancelled their contracts such monies as may be due and owing according to the terms of such contracts.

II

1. *It is further ordered*, That: (a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this

Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

2. *It is further ordered,* That respondents herein present to each interested applicant or prospective student immediately prior to the commencement of any interview or sales presentation during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited, a 5'' x 7'' card containing only the following language:

"YOU WILL BE TALKING TO A SALESPERSON"

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

4. *It is further ordered,* That the respondent Nationwide Heavy Equipment Training Service, Inc., shall 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 respondents which may affect compliance obligations arising out of this Order.

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

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

The Decision and Order was issued by the Commission Mar. 30, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12971 Filed 5-4-76;8:45 am]

[Docket C-2815]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pacific Homes Mortgage and Investment Co., t/a Pacific Plan of California, et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.155 Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

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

In the Matter of Pacific Homes Mortgage and Investment Co., a Corporation Doing Business As Pacific Plan of California, and Michelson Advertising, Inc., a Corporation

Consent order requiring a Menlo Park, Calif., mortgage company and its Palo Alto, Calif., advertising agency, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

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

ORDER

I

It is ordered, That respondent Pacific Homes Mortgage and Investment Co., a corporation doing business as Pacific Plan of California or by any other name, its successors and assigns, and its officers, (hereinafter, in this and other paragraphs of this order, referred to as "Pacific") and Pacific's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement of consumer credit, or any advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing in connection with all television and radio advertisements in which cost of credit disclosures must be made, pursuant to Section 226.10 of Regulation Z, to make such disclosures clearly, conspicuously, and in meaningful sequence, as required by Section 226.6(a) of Regulation Z. The following standards shall be met in order for a television advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this Order:

(a) The required disclosures shall be presented simultaneously in both the audio and video portions of the television advertisement.

(b) The video portion of the required disclosures shall contain letters of sufficient size so that said letters can be easily seen and read on all television sets, regardless of picture tube size, that are commercially available for the consuming public.

(c) The audio portion of the required disclosures shall be spoken with sufficient deliberateness, clarity, and volume, so as not to obscure or detract attention from the required disclosures.

(d) The video portion of the required disclosures shall contain letters of a color or shade that readily contrast with the background on both color and black and white television sets. The background shall consist of only one color or shade.

(e) During the video portion of the required disclosures no words or images shall appear on the television screen which are not part of the required disclosures; provided, however, that during said disclosure one half of the television screen may contain images which contribute to and emphasize said disclosure.

(f) During the audio portion of the required disclosures, no other sounds, including music, may be presented.

(g) The audio and video portions of the required disclosures shall immediately follow the specific representation which triggers the affirmative disclosure requirement contained in Section 226.10 (d) (2) of Regulation Z.

(h) The audio and video portions of the required disclosures shall give equal emphasis to each word and numeral of the required disclosure.

(i) The audio and video portions of the required disclosures shall be no less than ten seconds duration.

(j) The video portion of the required disclosures shall present the entire text of the required disclosure for the entire duration of the disclosure.

2. Failing in connection with all newspaper or other printed advertisements in which cost of credit disclosures must be made pursuant to § 226.10 of Regulation Z, to make such disclosures clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z. The following standards shall be met in order for a newspaper or other printed advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this order:

(a) The required disclosures shall contain letters of sufficient size so that they can be easily seen and read in the advertisement.

(b) The advertisement shall give equal emphasis to each word and numeral of the required disclosures.

(c) The required disclosures shall contain letters of a color or shade that readily contrasts with the background. The background shall consist of only one color or shade.

(d) The required disclosures shall be a separate element in each advertisement and shall not contain or include any part of any picture, design, illustration or text within the advertisement.

(e) The required disclosures shall appear in immediate conjunction with the specific representation that triggers the affirmative disclosure required by § 226.10 (d) (2) of Regulation Z.

3. When the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge:

(a) Failing, immediately prior to the time that the borrower is furnished the duplicate of the instrument or the statement required by § 226.8(a) of Regulation Z, to present to the borrower a separate, written personal insurance authorization form which sets forth clearly and conspicuously:

(i) That a mortgage loan of a specified amount has been approved for the customer;

(ii) That the customer's decision with regard to purchasing the credit insurance available through Pacific is not considered in granting the credit;

(iii) That the purchase of credit insurance is optional and is not required by the creditor in connection with the loan;

(iv) The amount of the total premium for credit life insurance and/or the amount of the total premium for credit accident and health insurance which if elected, will become part of the loan, and that said amount(s) does not include the finance charge on said credit insurance;

(v) The insurance options available to the customer together with the total premiums (not including the finance charge on said premiums) which will become due upon the customer's election to take the loan: (1) With credit life insurance only, (2) with credit accident and health insurance only, (3) both credit life insurance and credit accident and health insurance, and (4) other available forms of credit insurance if applicable, (5) no insurance;

(vi) A signature and date line for the customer to indicate his election; and

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

(b) Failing to make the disclosures required by subsection (a) above on a separate document which contains no other printed or written material. The disclosures required by subsections (i), (ii) and (iii) above shall be made in at least 12 point type.

A form substantially in conformance with Attachment A herein will be considered in compliance with the provisions of subsections (a) and (b). Pacific shall maintain the original statement relating to each credit insurance election for two years following its execution and provide the customer with a copy thereof.

(c) Failing to leave the Truth in Lending disclosure statement blank as to the cost of credit life insurance and/or credit accident and health insurance and all other information or amounts which are affected by the election or declination of insurance until the customer has signed the written disclosure required by subsection (a) above.

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

(e) Representing, orally or otherwise, directly or by implication, that credit life and/or credit accident and health insurance are required as a condition of obtaining credit from Pacific.

(f) Discouraging, by representation, orally or otherwise, directly or by implication, the declination of credit life and/or credit accident and health insurance.

(g) Representing, orally or otherwise, directly or indirectly, that the customer's failure to elect credit insurance will result in delay in processing his loan or in his receiving the proceeds.

4. When a charge for fire insurance is not included in the finance charge:

(a) Failing to present to the customer prior to closing of the credit transaction a separate written personal insurance authorization form which sets forth clearly and conspicuously:

(i) That a mortgage loan of a specified amount has been approved for the customer;

(ii) The cost of the fire insurance if obtained from or through Pacific;

(iii) The customer may choose the person through which the insurance is to be obtained;

(iv) That the customer's decision with regard to purchasing the fire insurance available through Pacific is not considered in granting the credit;

(v) A description of insurance coverage offered.

(b) Failing to make the disclosures required by subscetion (a) above on a separate document which contains no other printed or written material. The disclosures required by subsections (iii) and (iv) above shall be made in at least 12 point type. Pacific shall maintain the original statement relating to each fire insurance election for two years following its execution and provide the customer with a copy thereof.

(c) Failing to leave the Truth in Lending disclosure statement blank as to the cost of fire insurance and all other information or amounts which are affected by the election or declination of insurance until the customer has made a choice regarding the person through which the insurance is to be obtained.

(d) Using any language in addition to and/or unrelated to that which is necessary to make the disclosure statement required by § 226.4(a)(6) of Regulation Z, which may have the effect of obscuring or detracting from the clarity and conspicuousness of such disclosure statement.

5. Failing to tell every customer the purpose(s) of each signature requested by Pacific on any document directly related to the consummation of the credit transaction.

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

7. Failing to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as required by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

8. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

9. Failing to state the conditions under which a balloon payment may be refinanced if not paid when due, as required by § 226.8(b)(3) of Regulation Z.

10. Failing to disclose the amount of each payment scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

12. Failing to describe the penalty charge and to explain the method of computation of such charge and the conditions under which it may be imposed for prepayment of the principal of the obligation, as required by § 226.8(b)(6) of Regulation Z.

13. Failing in any credit transaction in which the customer has a right to rescind under § 226.9 of Regulation Z, to provide the customer with the notice of right to rescind, in the form and manner provided in that section.

14. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and

amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

15. Failing to deliver a copy of this order to cease and desist to all present and future personnel of Pacific at its general offices in Menlo Park and in each of its subsidiary loan offices who are engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and failing to secure a signed statement acknowledging receipt of said copy of this order from each such person.

II

It is further ordered, That respondent Michelson Advertising, Inc., a corporation, its successors and assigns, and its officers (hereinafter, in this and other paragraphs of this order, referred to as "Michelson") and Michelson's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist directly or indirectly any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The amount of the loan;

(b) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(c) The amount of the finance charge expressed as an annual percentage rate; and

(d) The total of payments.

2. Failing to make all the disclosures required by Section 1, above, clearly, conspicuously, and in meaningful sequence as required by § 226.6(a) of Regulation Z. In order for an advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this order, it shall meet, in the case of television and printed advertising, the standards set forth in section 1 and section 2 of Part I of the Order, respectively.

3. Failing to deliver a copy of this order to cease and desist to all present and future personnel of Michelson engaged in reviewing the legal sufficiency of advertising prepared, created or placed on behalf of any advertiser, and failing to secure from each such person a signed statement acknowledging receipt of said Order.

It is further ordered, That Pacific and Michelson notify the Commission at least thirty (30) days prior to any proposed change in the respective corporate respondents 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 corporations, which may affect compliance obligations arising out of this order.

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

The Decision and Order was issued by the Commission April 12, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12972 Filed 5-4-76;8:45 am]

Title 21—Food and Drugs

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

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Carbenicillin Indanyl Sodium

The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to correct an error appearing in § 436.301 (21 CFR 436.301), effective May 5, 1976.

A regulation promulgating § 141.555 (now § 436.301 pursuant to recodification published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922) was published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6889), which provided for the thin layer chromatography identity test for carbenicillin indanyl. In § 436.301(a)(1), the portion providing for the chromatography paper used to line the chromatography tank contains an error; it should read "Whatman's 3MM chromatography paper (0.3 millimeters) or equivalent."

The Commissioner of Food and Drugs recognizes that the correct information is well known to persons conducting this test, and publication of this change merely clarifies the existing procedure.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 436 is amended in § 436.301 by revising paragraph (a)(1) to read as follows:

§ 436.301 Thin layer chromatography identity test for carbenicillin indanyl.

(a) * * *

(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches lined with Whatman's 3MM chromatographic paper (0.3 millimeters) or equivalent.

* * * * *

Effective date. This amendment shall be effective May 5, 1976.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: April 28, 1976.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-12993 Filed 5-4-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-1100]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the Borough of Point Pleasant, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Point Pleasant, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Point Pleasant. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345313A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the

Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Harry E. Odell, Borough Clerk, P.O. Box 25, Point Pleasant, New Jersey 08742.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Point Pleasant Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Point Pleasant map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 13, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-13077 Filed 5-4-76;8:45 am]

[Docket No. FI-1101]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the Borough of Sea Bright, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Sea Bright, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Sea Bright. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345317A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Cecile Norton, 1099 East Ocean Avenue, Sea Bright, New Jersey 07760.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Sea Bright Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Seat Bright map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 14, 1976.

H. B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-13078 Filed 5-4-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 511-5]

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS—VARIANCES

Circumstances Under Which Variance May Be Submitted

PURPOSE

The purpose of this promulgation is to specify the circumstances under which a variance may be submitted to and approved by EPA as a State Implementation Plan (SIP) revision.

On December 16, 1975 (40 CFR 58317), the Administrator published a Notice of Proposed Rulemaking on this subject. The preamble to the proposal contains a lengthy discussion of the history underlying the proposal as well as an explanation of the impact of the proposal.

PROVISIONS

Although the variance issue has been debated for some time, the term has never been defined. The definition below is EPA's definition of the term. State and/or local agencies may retain their own definitional schemes. Similarly this rulemaking is not designed to impact on internal State procedures for the issuance of variances, except to the extent that the Clean Air Act requires a public hearing on any variance submitted as a revision to the SIP. Individual variances would, however, have to meet the substantive standards imposed herein before they may be approved by the Administrator.

The rulemaking is intended to implement the principles set forth in *Train v. NRDC et al*, 421 U.S. 60 (1975). The decision held that variances extending past attainment dates could be issued by States and approved by EPA as SIP revisions if the variances were shown not to interfere with attainment and maintenance of the national ambient air quality standards. In accordance with this holding, existing sections 51.11(g) and 51.15(d) (compliance schedules) are revoked since these provisions restrict variances to the pre-attainment date period.

Similarly, the section which presently deals with postponements (51.32(f)) is revised.

A new section, 51.34(a), explaining what requirements have to be met in order for a variance to be approved as a plan revision, is added.

Section 52.56, which disapproved all state plans to the extent that they allowed variances to extend beyond the attainment dates specified in the applicable implementation plan, is revoked. Also withdrawn are the proposed variance regulations which were published along with section 52.26 on September 26, 1974 (see 40 FR 34752).

Due to an oversight, the December 16, 1975, proposal did not contain any mention of an EPA-promulgated variance provision for the State of Indiana which was, in all respect, substantially identical to the September 26th promulgation. To correct this oversight, this action revokes Section 52.791 of the Indiana Plan that was promulgated on February 6, 1974.

The exact environmental and economic impact of this regulation can only be determined on a case-by-case basis. As indicated above, no variance can be approved by EPA if it would interfere with attainment or maintenance of national ambient air quality standards.

PUBLIC COMMENT

A thirty day public comment period accompanied the December 16, 1975, FEDERAL REGISTER proposal. All comments (including some received after the deadline) have been reviewed. In the estimation of the Agency, no comment warranted any change in the rulemaking as proposed.

The public comments were from state and local agencies, industry, utilities, a manufacturing institute, and an environmental group.

The item which received the most comment was the requirement that all variances be accompanied by a demonstration that the variance would not inter-

fere with attainment and maintenance of national ambient air quality standards. EPA believes that the need for such a demonstration is made explicit by the language of the *Train* case and by the requirements of Section 110(a)(3)(A) of the Clean Air Act. EPA's response to this comment and to all other comments of significance is contained in a separate document which may be obtained from or inspected at the EPA Public Information Reference Unit, Room 2922, Waterside Mall, Washington, D.C. 20460. The document is also available for public inspection in the libraries of the EPA regional offices.

The Agency believes that good cause exists for making this rulemaking immediately effective because such action will enable the States to begin submitting variances to EPA without unnecessary and further delay.

This Notice of Final Rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act as amended, 42 U.S.C. 1857c–5 and 1857g.

Dated: April 29, 1976.

JOHN QUARLES,
Acting Administrator.

Part 51 of Title 40, Code of Federal Regulations, is amended as follows:

1. In § 51.1, paragraph (y) is added as follows:

§ 51.1 Definitions.

* * * * *

(y) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

§ 51.11 [Amended]

2. In § 51.11, paragraph (g) is revoked.

§ 51.15 [Amended]

3. In § 51.15, paragraph (d) is revoked.

4. In § 51.32, paragraph (f) is revised to read as follows:

§ 51.32 Request for 1-year postponement.

* * * * *

(f) Notwithstanding the requirements of this section, a State's implementation plan may be revised in accordance with § 51.6 to permit a source to comply after the applicable attainment date with an emission limitation of that plan if such plan, as revised, continues to provide for attainment and maintenance of the national standards as provided in §§ 51.12, 51.13, and 51.14.

5. In Subpart C, § 51.34 is added as follows:

§ 51.34 Variances.

(a) In order to be considered for approval as a revision to the State implementation plan, a variance must be submitted by the State in accordance with the requirements of § 51.6.

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

§ 52.26 [Removed].

6. Section 52.26 is revoked.

§ 52.791 [Removed].

7. Section 52.791 is revoked.

[FR Doc.76–13111 Filed 5–4–76;8:45 am]

[PP6F1694/R89; FRL 533–5]

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

O,O-Diethyl S-[2-(Ethylth:o)Ethyl] Phosphorodithioate

On November 28, 1975, notice was given (40 FR 55381) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120, had filed a petition (PP6F1694) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.183 be amended by establishing a tolerance for residues of the insecticide *O,O*-Diethyl *S*-[12-(ethylthio)-ethyl] Phosphorodithioate in or on the raw agricultural comodity peanut hulls at 0.3 part per million. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, milk, or the meat, fat, or meat byproducts of livestock as delineated in 180.6(a)(3). The tolerance established by amending 40 CFR 180.183 will protect the public health. Therefore, it is concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before June 4, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 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 May 5, 1976, Part 180, Subpart C, is amended by revising §180.-183 as set forth below.

Dated: April 28, 1976.

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

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

Section 180.183 is amended by revising the paragraph beginning "0.3 part per million * * *" to include a tolerance for peanut hulls.

* * * * *

§ 180.183 O,O-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate; tolerances for residues.

* * * * *

0.3 part per million in or on coffee, corn grain including field corn and sweet corn (kernels plus cob with husk removed), peanut hulls, popcorn, sugarcane, and wheat grain.

* * * * *

[FR Doc.76–12961 Filed 5–4–76;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1600—DEFINITIONS [1]

Promulgation and Implementation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("the Act"). The Corporation is authorized to promulgate regulations implementing the purposes and provisions of the Act, and it has adopted some regulations, prepared others for public comment, and is preparing additional regulations for future proposal and adoption.

Part 1600 has been redesignated as a "Definitions" section, and when the regulations are complete will include every term that requires definition and is used with a uniform meaning in the regulations. When statutory context or Corporation policy requires that a term be given another meaning in a particular regulation, the special definition will be set forth therein. A uniform definition may also be repeated for convenient reference in a regulation where it is used. A term applicable only to a single regulation will be defined therein.

The following definitions appear in regulations that have been adopted, or proposed for publication thus far.

§ 1600.1 Definitions.

As used in these regulations, Chapter XVI, unless otherwise indicated, the term

"Act" means the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*.

"Appeal" means any appellate proceeding in a civil action as defined by law or usage in the jurisdiction in which the action is filed.

"Attorney" means a person who provides legal assistance to eligible clients and who is authorized to practice law in the jurisdiction where assistance is rendered.

"Corporation" means the Legal Services Corporation established under the Act.

[1] See FR Doc. 76–12959 infra.

"Director of a recipient" means a person directly employed by a recipient in executive capacity who has overall day-to-day responsibility for management of operations by a recipient.

"Eligible Client" means a person or group determined to be eligible for legal assistance under the Act.

"Employee" means a person employed by the Corporation or by a recipient.

"Fee Generating Case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

"Legal Assistance" means the provision of any legal services consistent with the purposes and provisions of the Act.

"Outside Practice of Law" means the provision of legal assistance to a client who is not entitled to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluations.

"President" means the President of the Corporation or the President's designee.

"Public Funds" means funds received from a Federal, State, or local government, or any instrumentality of a government, or from an independent organization that expends funds received from a government.

"Recipient" means any grantee or contractor receiving financial assistance from the Corporation under Section 1006 (a)(1)(A) of the Act.

"Staff Attorney" means an attorney more than one half of whose annual professional income is received from a recipient that limits its activities to providing legal assistance to clients eligible for assistance under the Act.

"Tribal Funds" means funds received from an Indian tribe, or from a private foundation, for the benefit of an Indian tribe.

(Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961.)

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12951 Filed 5-4-76;8:45 am]

PART 1604—OUTSIDE PRACTICE OF LAW

General Policy

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Section 1007(a)(4), 42 U.S.C. 2996f(a)(4), provides that the Corporation shall issue guidelines concerning the outside practice of law by attorneys employed full time in legal assistance activities.

On March 12, 1976 (41 FR 10629) a proposed regulation on outside practice of law was published. Interested persons were given until April 11, 1976 to submit comments on the proposed regulation. All comments submitted with respect to the outside practice of law were given full consideration and the following issues were taken into account in redrafting the regulation:

Purpose. Section 1007(a)(4) of the Act and its legislative history show that Congress contemplated that outside practice by legal services lawyers would be regulated by the Corporation. Some outside practice is both unavoidable and desirable, if a lawyer is to satisfy the legitimate demands made upon him or her as an officer of the Court and as a responsible participant in community life. At the same time, it is essential to insure that a legal services lawyer does not compete with lawyers in private practice, is not burdened by excessive court appointments, and does not undertake other professional commitments that might prevent the rendering of the highest quality full time legal assistance to eligible clients.

Definition. In response to comments received, a technical change was made in the definition of "outside practice" in Section 1604.2, to make clear that work done for a client, not eligible for services under the Act, who is a client of the attorney's employer, is not "outside practice". The change was necessary because some recipients receive funds from other sources for the purpose of serving a particular category of clients, e.g., the aged, who may not be eligible under the Act. In addition, the change permits the Corporation to make grants to, or contracts with, private law firms. Teaching, consulting, evaluating, and other similar activities are also excluded from the coverage of this Part.

Safeguards. Section 1604.3 prohibits outside practice if the director of a recipent has determined that such practice will interfere with the attorney's full time responsibilities. There are only two situations in which a recipient may permit an attorney to engage in compensated outside practice of law. If Section 1604.3 is satisfied, a newly employed attorney may conclude cases from a pervious practice if he or she does so expeditiously; and an attorney may accept appointment under a court rule or practice of general applicability. Uncompensated outside practice may be authorized under Section 1604.5 if the requirement of Section 1604.3 is met, and the practice is undertaken on behalf of a close friend or family member, or for a civic, or charitable group, or pursuant to court appointment under a generally applicable rule or practice.

Accordingly, the Board of the Legal Services Corporation adopts the final regulation, as set forth below, to become effective on June 3, 1976, pursuant to section 1008(e) of the Act.

Sec.
1604.1 Purpose.
1604.2 Definitions.
1604.3 General policy.
1604.4 Compensated outside practice.
1604.5 Uncompensated outside practice.

AUTHORITY: Sec. 1007(a)(4), 1008(e) (42 U.S.C. 2996f(a)(4) 2996g(e)).

§ 1604.1 Purpose.

This Part is designed to permit an attorney to comply with the reasonable demands made upon all members of the Bar and officers of the Court, so long as those demands do not hinder fulfillment of the attorney's overriding responsibility to serve those eligible for assistance under the Act.

§ 1604.2 Definitions.

(a) "Attorney", as used in this Part, means a person who is employed full time in legal assistance activities supported in major part by the Corporation, and who is authorized to practice law in the jurisdiction where assistance is rendered.

(b) "Outside practice of law" means the provision of legal assistance to a client who not entitled to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluation.

§ 1604.3 General policy.

No attorney shall engage in any outside practice of law if the director of the recipient has determined that such practice is inconsistent with the attorney's full time responsibilities.

§ 1604.4 Compensated outside practice.

A recipient may permit an attorney to engage in the outside practice of law for compensation if Section 1604.3 is satisfied, and

(a) The attorney is newly employed and has a professional responsibility to close cases from a previous law practice, and does so as expeditiously as possible; or

(b) The attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction, and remits to the recipient all compensation received.

§ 1604.5 Uncompensated outside practice.

A recipient may permit an attorney to engage in uncompensated outside practice of law if Section 1604.3 is satisfied, and the attorney is acting

(a) Pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction; or on behalf of

(b) A close friend or family member; or

(c) A religious, community, or charitable group.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12952 Filed 5-4-76;8:45 am]

PART 1605—APPEALS ON BEHALF OF CLIENTS

Efficient and Effective Use of Corporation Funds

The Legal Services Corporation was established pursuant to the Legal Serv-

ices Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("the Act"). Section 1007(a)(7) of the Act requires recipients to establish guidelines, consistent with regulations promulgated by the Corporation, for review of appeals taken on behalf of clients.

A proposed regulation was issued on March 12, 1976 (41 FR 10629), and interested persons were given until April 11, 1976 to submit comments on the proposed regulation. All comments received by the Corporation with respect to appeals were given full consideration and the following issues were taken into account in redrafting the regulation:

Coverage of Part 1605. Section 1007(a)(7) of the Act requires all recipients to establish guidelines, consistent with Corporation Regulations, for review of appeals. Since the purpose is to insure efficient utilization of Corporation resources, this Part does not apply to any part of a recipient's practice that is undertaken with other than Corporation funds. (Comments received noted that the published draft did not address the problem of mixed practices.) The Part requires a recipient to establish a policy and procedure for review of every appeal, as defined by local usage, taken to an appellate court from the decision of any court or tribunal.

Standards for Review. Aside from that clarifying change, the only other changes are the addition of some relevant statutory language omitted from the published draft, and a fuller, but substantively unchanged, statement of the standards for review. A recipient is required to adopt a review policy that discourages frivoulous appeals and gives appropriate weight to priorities in resource allocation required by the Act, the Corporation, or its own governing body, but does not interfere with an attorney's professional responsibilities to a client.

Accordingly, the Board of Directors of the Legal Services Corporation adopts the final regulation, as set forth below, to become effective on June 3, 1976, pursuant to section 1008(e) of the Act.

Sec.
1605.1 Purpose.
1605.2 Definition.
1605.3 Review of appeals.

AUTHORITY: Sec. 1007(a)(7), 1008(e), 42 U.S.C. 2996f(a)(7), 2996g(e).

§ 1605.1 Purpose.

This Part is intended to promote efficient and effective use of Corporation funds. It does not apply to any case or matter in which assistance is not being rendered with funds provided under the Act.

§ 1605.2 Definition.

"Appeal" means any appellate proceeding in a civil action as defined by law or usage in the jurisdiction in which the action is filed.

§ 1605.3 Review of Appeals.

The governing body of a recipient shall adopt a policy and procedure for review of every appeal to an appellate court taken from a decision of any court or tribunal. The policy adopted shall

(a) Discourage frivolous appeals, and

(b) Give appropriate consideration to priorities in resource allocation adopted by the governing body, or required by the Act, or Regulations of the Corporation; but

(c) Shall not interfere with the professional responsibilities of an attorney to a client.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76–12953 Filed 5–4–76;8:45 am]

PART 1612—RESTRICTIONS ON CERTAIN ACTIVITIES [1]

Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("The Act"). Section 1006(b)(5) of the Act requires the Corporation to issue regulations implementing the Act's restrictions on picketing, boycotts, strikes and illegal activities by employees of the Corporation and of recipients, as well as restrictions on legislative and administrative representation using Corporation funds.

Temporary regulations were published on September 12, 1975 (40 FR 42362) and became effective on October 14, 1975. Proposed final regulations were published on March 5, 1976 (41 FR 9571), and interested persons were given until April 5, 1976 to submit comments on the proposed final regulations. All comments received by the Corporation with respect to the proposed final regulations were given consideration and the regulations were reorganized and revised substantially in light of those comments. In addition, Part 1600 was renumbered and now appears as Part 1612. This change was made to permit the inclusion of a general "Definitions" section [now Part 1600], and to establish a more logical order for future regulations.

The following considerations were taken into account in redrafting the proposed final regulations:

Prohibition Against Encouraging Action by Other People. The Act contains a number of provisions designed to prevent legal services attorneys from engaging in activities unrelated to the provision of legal assistance to eligible clients. The prohibitions against direct participation by attorneys presented no difficult issues of interpretation; but the prohibition against encouraging others to engage in lawful activities such as public demonstrations and picketing presented the major policy issue in this Part. In construing the prohibition we tried to reconcile demands presented by the Code of Professional Responsibility, the Constitution, and the intent of Congress.

We believe a lawyer is obligated to advise a client about lawful alternatives to litigation [2] and we do not think Congress intended to prevent such advice.[3] An appropriate construction of the term "encourage" would permit such advice, and at the same time, would satisfy the restriction against vagueness and overbreadth in the First Amendment area, and the parallel ethical constraint against external interference with a lawyer's professional judgment.[4]

The legislative history of the Act suggests that the intention of Congress was to prevent lawyers from deliberately propelling others toward activities they otherwise might not engage in; so from the many possible meanings of "encourage" we chose those that seemed best suited to convey that intention, and replaced "encourage" with the words "exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow." The definition of "encouraging" that appeared in Sections 1600.3(a)(2) and 1600.3(a)(3), as published, is now superfluous, and has been omitted.

Men's Rea Requirement. The final regulations modify the prohibitions of Section 1600.2 by the addition of mens rea requirements. To invoke Corporation sanctions, an employee's direct participation in prohibited activities must be undertaken "knowingly", and action leading another to engage in such activities must be taken "intentionally". These requirements were added in the belief that there is no place for absolute liability in the First Amendment area, and that Congress did not intend to impose it.

Other Illegal Activity. As published, the proposed regulations did not interpret the Act's prohibition against "other illegal activity". Section 1612.2(b)(1)(C), as here presented, bars illegal activity that is inconsistent with an employee's responsibilities under the Act, Corporation Regulations, or the Code of Professional Responsibility. These categories seem sufficient to cover the situations when the Corporation should add its sanctions to those imposed by the law.

Legal Assistance Activities. The definition of "carrying out legal assistance activities" that appeared in the published version of Section 1600.3(a)(1) included any time during which an attorney "could reasonably be expected to provide legal advice or representation." That phrase has been dropped because it introduced unnecessary uncertainty into a reasonably clear provision. The definition of "legal assistance activities" now appears in Section 1612.1.

Attorney-Client Relationship. A single provision, Section 1612.3, replaces the repetitive disclaimers and exception found in the published version of Section 1600.3(a)(2) and its terminal proviso.

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[1] See FR Doc. 76–12951 supra.

[2] See Ethical Considerations 7–7 and 7–8 of the ABA Code of Professional Responsibility.

[3] See Section 1006(b)(3) of the Act; Conference Report p. 21–22; House Report p. 7.

[4] See, e.g., ABA Committee on Ethics and Professional Responsibility, Formal Opinion 334 (1974), p. 7.

Legislative and Administrative Representation. Section 1600.4, now 1612.4, has been rewritten for greater clarity, but no substantive changes were made. It follows the Act in permitting "lobbying" efforts to be made on behalf of any client of the recipient if the client may be affected by a particular legislative or administrative measure, but prohibits soliciting a client for the purpose. For practical and economic reasons we permit a client to be represented for "lobbying" purposes by a different person than the one who may represent him in other matters. In allowing this we are supported by ABA Formal Opinion 334, note 3 supra, which states that the client of a legal services office "has a lawyer-client relation with its staff of lawyers which is the same as any other client who retains a law firm to represent him. It is the firm, not the individual lawyer, who is retained."

Subsection 1612.4(b) was added in response to comments received on the proposed regulations. It makes explicit what was previously implied, that the prohibition against "lobbying" does not prevent queries to the Corporation or to governmental agencies; nor does it prevent furnishing information to clients about legislative or administrative developments.

Enforcement. The only change in the Enforcement Section is the addition of sub-section 1612.6(b)(3), which requires a recipient to consult the General Counsel of the Corporation before suspending or terminating an employee for violation of the provisions of this Part. The requirement serves to promote uniform interpretation of the Part, and also insures that the Corporation will be notified of any serious violation.

Accordingly, the Board of Directors of the Legal Services Corporation adopts the final regulations, as set forth below, to become effective on June 3, 1976 pursuant to Section 1008(e) of the Act.

Sec.
1612.1 Definition.
1612.2 Public demonstrations and other activities.
1612.3 Attorney-client relationship.
1612.4 Legislative and administrative representation.
1612.5 Enforcement.

AUTHORITY: Secs. 1006(b)(5), 1007(a)(5), 1011, 1008(e), P.L. 93-355, 88 Stat. 378 (42 U.S.C. 2996e(b)(5), 2996f(a)(5), 2996j, 2996g(e)).

§ 1612.1 Definition.

"Legal assistance activities", as used in this Part, means any activity

(a) Carried out during an employee's working hours;

(b) Using resources provided by the Corporation or by a recipient; or

(c) That, in fact, provides legal advice, or representation to an eligible client.

§ 1612.2 Public demonstrations and other activities.

(a) While carrying out legal assistance activities under the Act no employee shall

(1) Knowingly participate in any public demonstration, picketing, boycott, or strike, except as permitted by law in connection with the employee's own employment situation; or

(2) Intentionally exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow.

(b) While employed under the Act, no employee shall, at any time,

(1) Knowingly participate in any

(i) Rioting or civil disturbance;

(ii) Activity in violation of an outstanding injunction of any court of competent jurisdiction; or

(iii) Any other illegal activity that is inconsistent with an employee's responsibilities under the Act, Corporation Regulations, or the Code of Professional Responsibility; or

(2) Intentionally exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow.

§ 1612.3 Attorney-client relationship.

Nothing in this Part shall prohibit an attorney from

(a) Informing and advising a client about legal alternatives to litigation or the lawful conduct thereof;

(b) Attending a public demonstration, picketing, boycott, or strike for the purpose of providing legal assistance to a client; or

(c) Fulfilling the professional responsibilities of an attorney to a client.

§ 1612.4 Legislative and administrative representation.

(a) No funds made available to a recipient by the Corporation shall be used, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body; except that

(1) An employee may engage in such activities in response to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient; and

(2) An employee may engage in such activities on behalf of an eligible client of a recipient, if the client may be affected by a particular legislative or administrative measure; but no employee shall

(i) Solicit a client for the purpose of making such representation possible, or

(ii) Solicit a group of clients for the purpose of representing it with respect to matters of general concern to a broad class of persons as distinguished from the interests of a particular client.

(b) Nothing in this section is intended to prohibit an employee from

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies; or

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation; or

(3) Communicating with the Corporation for any purpose.

§ 1612.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth in Title 45 of the Code of Federal Regulations, at § 1067.1-4(b) (relating to suspension), or at §§ 1067.1-5 through 1067.1-11 (relating to termination)

(1) To suspend or terminate the employment of an employee of the Corporation who violates the provisions of this Part; and

(2) To suspend or terminate financial assistance to a recipient which fails to insure that its employees refrain from activities proscribed by the Act or by this Part; provided that

(i) No suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures relating to termination cited above, and

(ii) The term "OEO" in the above-referenced regulations shall mean the Corporation, and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board or his designee.

(b) A recipient shall

(1) Advise employees about their responsibilities under this Part; and

(2) Establish procedures, consistent with the notice and hearing requirements of Section 1011 of the Act, for determining whether an employee has violated a provision of this Part; and shall establish a policy for determining the appropriate sanction to be imposed for a violation, including

(i) Administrative reprimand if a violation is found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(ii) Suspension and termination of employment; and

(iii) Other sanctions appropriate for the enforcement of this regulation; and

(3) Consult the General Counsel of the Corporation before suspending or terminating the employment of any person for violation of this Part.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12959 Filed 5-4-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20147]

PART 91—INDUSTRIAL RADIO SERVICES

Report and Order; Correction

In the matter of amendment of Part 2 and 91 of the Commission's Rules and

Regulations to permit assignment of frequencies in the 420–450 MHz band for non-Government radiolocation.

In the Report and Order in the above entitled proceeding, FCC 76–228, which was released on March 16, 1976, and published in the FEDERAL REGISTER on March 19, 1976, (41 FR 11517) paragraph 2 in the appendix should be amended so that the frequency table in § 91.604(a) reads as follows:

§ 91.604 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitation(s)
*	*	*
310	do	2
420 to 450	do	20
2450 to 2500	do	3
*	*	*

* * * * *

Released: April 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–13064 Filed 5–4–76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 505a—RECORDS MAINTAINED ON INDIVIDUALS

Amendments Relating to Records Maintained on Individuals

APRIL 28, 1976.

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

I. *Existing Regulations.* (a) Disclosure of a record or information contained in a record system must be made promptly after notification of satisfactory identification, but no time limit is provided for such disclosure.

(b) No appeal of a denial of access to a record is provided.

(c) No procedure is provided for an individual seeking access to the accounting of disclosures from his record.

(d) No means is provided for an individual to obtain assistance in preparing a request to amend a record.

(e) No means is provided for an individual to obtain assistance in preparing (1) a request for review of a denial of access or a denial of a request to amend a record or (2) an appeal of an initial adverse ruling on such request.

II. *Amendments.* (a) Require disclosure of a record or information contained in a record system within 30 working days after notification of satisfactory identification, unless the individual is informed in writing within 30 working days of the reason additional time is required and when it is anticipated that access will be granted.

(b) Provide an individual denied access to a record the same appeals procedure as one whose request to amend a record has been refused or who otherwise disagrees with the initial determination of his request.

(c) Provide the same procedure to obtain access to the accounting of disclosures from a record as that provided to obtain information concerning records maintained by the Board which may contain personal information, but exclude certain disclosures from the accounting to which the individual shall be granted access.

(d) Provide that an individual may obtain assistance in preparing a request for amendment of a record from the official designated by the Board to receive requests for information concerning the record system involved.

(e) Provide that an individual who has been denied access to a record or whose request to amend a record has been refused or who otherwise disagrees with the initial determination of his request may obtain assistance from the Office of Housing and Urban Affairs in preparing a request for review by the Chairman of the Board or his designee.

III. *Reason for Amendments.* To facilitate disclosure to an individual of agency records pertaining to him and to provide additional procedures for review of requests pertaining to such records.

The Federal Home Loan Bank Board considers it desirable to amend §§ 505a.3, 505a.5, 505a.7, and 505a.9 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505a.3, 505a.5, 505a.7, and 505a.9) for the purpose of providing additional procedures to the Board's regulations relating to records maintained on individuals to insure that each individual shall be able to exercise fully his rights under the Privacy Act of 1974 (P.L. 93–579); 5 U.S.C. 552a).

The provision in § 505a.3 which provides procedures whereby an individual may request information concerning records maintained by the Board which may contain personal information is extended to include a request for access to the accounting of disclosures from such records to other persons.

The provision in § 505a.5 requiring that disclosure be made promptly after sufficient identification is provided is amended to specify a period of 30 working days following receipt of identification during which period disclosure shall be made or the individual informed in writing of the reason for delay and the anticipated date access will be granted. The provision excluding from the information to which an individual has a right to access that compiled in reasonable anticipation of a civil action or proceeding is extended to also exclude certain disclosures from his record to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity.

Section 505a.7, which pertains to an individual's request to amend his record, is amended to provide for assistance in preparing such request from the official designated by the Board to receive said request.

Section 505a.9 provides for appeals of initial adverse determinations of requests to amend records. The amendment broadens these provisions to apply to appeals of refusals to grant individuals access to their records and provides that the individual may obtain assistance from the Office of Housing and Urban Affairs in preparing an appeal to the Chairman of the Board or his designee.

The Board finds that notice and public procedure are unnecessary under 12 CFR 508.11 and 5 U.S.C. § 553(b), since the amendment facilitates the exercise of existing rights under P.L. 93–579, and that publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. § 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends §§ 505a.3, 505a.5, 505a.7, and 505a.9 to read as set forth below, effective May 5, 1976.

1. Section 505a.3 is amended by revising paragraph (b) thereof to read as follows:

§ 505a.3 Procedures for requests pertaining to individual records in a record system.

* * * * *

(b) Any individual seeking information concerning records maintained by the Board which may contain personal information pertaining to such individual, including any present or former employee, officer, or agent seeking information concerning records other than those described in paragraph (a) of this section, or any individual seeking access to the accounting of disclosures from his record, shall submit a written request to the agency official designated by the Board. The request shall state the full name and address of the individual and identification of the record system or systems believed to contain the record or information sought.

* * * * *

2. Section 505a.5 is amended by revising paragraphs (a) and (c) thereof to read as follows:

§ 505a.5 Disclosure of requested information to individuals.

(a) After notification of satisfactory identification pursuant to § 505a.4(d), the Board designee shall determine whether the stated record system contains a record or information pertaining to such individual and shall so inform him. If such record or information is contained in the record system, disclosure shall be made within 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date such identification is received, unless the individual is informed in writing within such 30 days of the reason additional time is required and the anticipated date of access. Disclosure shall be made to such individual (or his representative upon notarized written consent of the

individual) or his legal representative, except as provided in paragraph (c) of this section and §§ 505a.6 and 505a.12. The individual may choose to be accompanied by a person selected by him when the record or information is disclosed, in which case he may be required to furnish a written statement authorizing discussion of the records in the presence of the accompanying person.

* * * * *

(c) This section does not entitle an individual to access to any information compiled in reasonable anticipation of a civil action or proceeding, or to the accounting of disclosures from his record to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request specifiying the particular portion desired and the law enforcement activity for which the record is sought.

* * * * *

3. Section 505a.7 is amended by revising paragraph (a) thereof to read as follows:

§ 505a.–7 Request for amendment of record.

(a) If, after disclosure of the requested information, an individual believes that such record is not accurate, relevant, timely, or complete, he may request in writing that it be amended. Such a request shall be submitted to the Board designee and shall contain identification of the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes. The individual may obtain assistance in preparing such request from the board designee.

* * * * *

4. Section 505a.9 is amended by revising its title and paragraphs (a) and (c) thereof to read as follows:

§ 505a.9 Appeals.

(a) An individual whose request for access to a record has been denied or whose request to amend a record has been refused or who otherwise disagrees with the initial determination of his request may seek a review of that determination, to be conducted by the Chairman of the Board or an official designated by the Chairman, which official shall be senior to the official who made the initial determination regarding the requested action. The individual may obtain assistance from the Office of Housing and Urban Affairs in preparing a request for such review.

* * * * *

(c) If, after his review, the Chairman of the Board or his designee refuses to act in accordance with his request, the individual shall be informed of his right under 5 U.S.C. §§ 552a(g)(1) (A) and (B) to a judicial review of the determination and, in case of refusal to amend a record, his right to file a concise statement setting forth his disagreement with the final determination.

* * * * *

(5 U.S.C. 552a; sec. 17, 47 Stat. 736, as amended; sec. 5, 48 Stat. 132, as amended; sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76–13081 Filed 5–4–76;8:45 am]

LIQUID ASSETS, BRANCH APPLICATIONS, BYLAW (g) AND INSURANCE OF ACCOUNTS

Conforming and Clarifying Amendments

APRIL 28, 1976.

The Federal Home Loan Bank Board considers it desirable to amend Part 531 of the Rules and Regulations for the Federal Home Loan Bank System (12 CFR 531), Parts 545 and 555 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545, 555), and Part 561 of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 561) for the purpose of conforming and clarifying existing regulations, as described below.

The Board's Statement of Policy at § 531.6(a) is amended to conform with § 523.10(g)(2), which sets forth the maturity dates of United States obligations includable in associations' liquid assets.

Section 545.14(b)(iii)(c) is amended to clarify the Board's intent that the thirty-six month period allowed between Board approval of an application for a proposed branch office in a shopping center and the opening of said branch applies in those instances where the shopping center is a proposed new one which, due to its size, would not have a contemplated opening date prior to that time.

Board Ruling § 555.16, concerning access to Federal associations' membership lists by members thereof, was superseded by § 545.28 of the Federal Regulations for the Federal Savings and Loan System (effective October 31, 1975) and is therefore deleted as obsolete.

The references to "$20,000" in § 561.6 are changed to "$40,000" to conform to current insurance coverage of accounts in insured institutions.

Since these amendments clarify and conform existing rules and regulations, the Board finds that notice and public procedure with respect thereto are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(b), and that a 30-delay of effective date is also unnecessary under the provisions of 12 CFR 508.14 and 5 U.S.C. § 553(d).

Accordingly, the Board hereby amends Parts 531, 545, 555, and 561 by revising §§ 531.6(a), 545.14(b)(iii)(c), and 561.6, and by deleting § 555.16 thereof, to read as set forth below, effective May 5, 1976.

PART 531—STATEMENTS OF POLICY

1. Section 531.6(a) is revised to read as follows:

§ 531.6 Continued inclusion of certain obligations of the United States as liquid assets.

(a) Under § 23.10(g)(2) of this subchapter, obligations of the United States held on March 31, 1975, with a remaining period to maturity exceeding five years are included as liquid assets until April 1, 1977. Beginning April 1, 1975, new purchases of obligations of the United States are included as liquid assets only if their remaining period to maturity does not exceed five years. Obligations of the United States held and counted as short-term liquid assets at the close of March 31, 1975, are included as short-term liquid assets until October 1, 1975, without regard to maturity date.

PART 545—OPERATIONS

§ 545.14 [Amended]

2. Section 545.14(b)(iii)(c) is amended to add the word "proposed" before the words "shopping center" therein.

PART 555—BOARD RULINGS

3. Section 555.16 is deleted as follows:

§ 555.16 [Removed]

PART 561—DEFINITIONS

§ 561.6 [Amended]

4. Section 561.6 is amended to change the references therein from "$20,000" to "$40,000".

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76–13082 Filed 5–4–76;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 DEFENSE

Corps of Engineers

[33 CFR Part 207]

NAVIGATION REGULATIONS

Chesapeake and Delaware Canal, Delaware and Maryland

Notice is hereby given that pursuant to provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the Secretary of the Army (acting through the Chief of Engineers) is proposing to amend 33 CFR 207.100 governing the use, administration and navigation of an Inland waterway (Chesapeake and Delaware Canal) from Delaware River to Chesapeake Bay, Delaware and Maryland. This proposed amendment serves to clarify the jurisdiction of the Coast Guard and to update or eliminate existing obsolete regulations.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N on or before June 4, 1976.

It is proposed that, § 207.100 is revised to read as follows:

§ 207.100 Inland Waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal); use, administration and navigation.

(a) *Applicability.* The regulations in this section are applicable to that part of the Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland, between Reedy Point, Delaware River and Old Town Point Wharf, Elk River.

(b) *Responsibilities.* The District Engineer, Corps of Engineers, Philadelphia, Pennsylvania, has administrative supervision over the waterway. He may from time to time issue Notices to Mariners, prescribing rules governing the dimensions of vessels which may transit the waterway, and other special conditions and requirements which will govern the movement of vessels. The District Engineer's representative is the Chesapeake City Resident Engineer, who supervises the dispatchers on duty at Chesapeake City. The dispatchers will give clearances for vessels entering the canal, monitor vessel passages, and report violations of these regulations. The dispatchers upon request will provide vessel operators with information on conditions in the canal. Pilots and vessel operators will be responsible for safe navigation through the canal in accordance with these regulations, and those prescribed by the U.S. Coast Guard. The Commander, Fifth Coast Guard District, is responsible for enforcing these regulations and regulations prescribed by the Coast Guard pertaining to navigation and operation of vessels. Violators of these regulations will be reported to the U.S. Coast Guard for appropriate action.

(c) *Safe Navigation Required.* A clearance by the dispatcher for a vessel's passage through the waterway shall not relieve the owners, agents, and operators of the vessel of full responsibility for its safe passage.

(d) *Radio Equipment.* Requirements for radio equipment on vessels transiting the waterway are as described in rules issued by the District Engineer governing traffic through the waterway. Vessels not having the mandatory radio equipment may not transit the canal.

(e) *Anchorage and Wharfage Facilities.* The anchorage basin at Chesapeake City and free wharfage facilities on the west side of the anchorage basin are available for small vessels only. These facilities are of limited capacity, and permission to occupy them for periods exceeding 24 hours must be obtained in advance from the Resident Engineer at Chesapeake City.

(f) *Projections from Vessels.* No vessel carrying a deck load which projects beyond the sides of the vessel will be permitted to enter or pass through the waterway, unless special permission is obtained in writing from the District Engineer.

(g) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons. Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule will result in referral to the Coast Guard. Passages of vessels through the canal are monitored and each case will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats, and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vesesls ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(h) *Tows.* All ships or tugs engaged in towing vessels not equipped with a rudder, whether light or loaded, shall use two towlines or a bridle on one towline. If the vessel in tow is equipped with a rudder, one towline without a bridle may be used. All towlines must be as short as practicable for safe handling of the tows.

(i) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Where a leading vessel is not traveling with sufficient speed to permit the safe maneuverability of a trailing vessel, the latter vessel may overtake the leading vessel provided it does so with caution. All powered pleasure craft shall relinquish the right-of-way to less maneuverable and slower responding vessels.

(j) *Traffic Lights.* Traffic lights are located at Reedy Point and Old Town Point Wharf. These traffic lights are described in the Notice to Mariners governing traffic through the waterway issued by the District Engineer.

(k) *Drawbridges.* Operation of the Penn Central Vertical lift bridge across the canal will be in accordance with regulations promulgated by the U.S. Coast Guard, Title 33, Part 117.235a, Chesapeake and Delaware Canal, Delaware. This bridge is not under the control of the dispatcher at Chesapeake City and is operated by the Penn Central Railroad Bridge tender.

(l) *Stopping in the Waterway.* Vessels are not permitted to stop or anchor in the canal.

(m) *Fish and Game.* The fish and game laws of the United States and of the States of Delaware and Maryland, within their respective bounds, will be enforced upon the waters and lands pertaining to the waterway owned by the United States.

(n) *Grounded, Wrecked or Damaged Vessels.* In the event a vessel is grounded or wrecked in the waterway or is damaged by accident or mechanical breakdown, the owner, agent, or operator shall immediately report the incident to the dispatcher on duty at Chesapeake City, and take prompt action to prevent the vessel from becoming or remaining a menace to navigation. Such persons shall also respond to such instructions as may be issued by the District Engineer to prevent the vessel from becoming or remaining a menace to navigation. The lack of a reasonable and prompt response from the owner, agent, or operator may be deemed sufficient cause for the District Engineer to undertake repair or removal of the vessel as he may determine to be in the best interest of the Government.

(o) *Commercial Statistics.* Owners, designated agents or pilots of vessels

transiting the waterway will furnish the District Engineer statistics on passengers, freight, and vessel data as described in the rules governing traffic through the waterway issued by the District Engineer.

(p) *Water Skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(q) *Sailboats.* Transiting the canal by vessels under sail is not permitted between Reedy Point and Welch Point.

(r) *Pilotage.* Any pilot who pilots in the canal must be licensed for this waterway by the U.S. Coast Guard. Federal regulations pertaining to vessel operation are applicable in the canal.

(s) *Vessels Difficult to Handle.* Vessels which are observed by the pilot or master in charge, to be difficult to handle, or which are known to have handled badly on previous trips, must transit the canal during daylight hours with good visibility and must have tug assistance. Agents must make their own arrangements for tug assistance and must provide the number of tugs sufficient to afford safe passage. Such eastbound vessels must clear Reedy Point Bridge before dark, and such westbound vessels must clear the Chesapeake City Bridge before dark.

(t) *Explosives and Hazardous Cargoes.* Transportation of explosives and hazardous Cargo through the canal shall be in accordance with the regulations prescribed by the U.S. Coast Guard.

(u) *Dead Ships.* Dead ships must be provided with the number of tugs sufficient to afford safe passage through the canal.

Dated: April 22, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.76-12970 Filed 5-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1871]

[FmHA Instruction 455.1]

CHATTEL SECURITY

Chattel Security Liability

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the proposed amendment of § 1871.22 of Subpart B of Part 1871, Title 7, Code of Federal Regulations (36 FR 1118) by adding a new paragraph (b) (4) (v) to provide that the liability of an auctioneer for conversion of personal property mortgaged to FmHA shall be determined and enforced in accordance with the applicable Federal law.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, DC 20020, within June 4, 1976. All written submissions made pursuant to this notice will be made available for public inspections at the Office of the Chief, Directives Management Branch during regular hours. (8:15 am–4:45 pm).

As proposed, § 1871.22(b) (4) (v) will read as follows:

§ 1871.22 Policy.

* * * * *

(b) * * *

(4) * * *

(v) The loan programs administered by the FmHA are authorized by law of Congress to carry out national purposes and policies throughout the entire United States and its territories and possessions. Therefore, the liability of an auctioneer for conversion of personal property mortgaged to the FmHA shall be determined and enforced in accordance with the applicable Federal law. "Auctioneer" for the purposes of this Subpart includes a commission merchant, market agency, factor, or agent. In all cases in which there has been a disposition without authorization by the FmHA of personal property mortgaged to that Agency, any auctioneer involved in said disposition shall be liable to the Government for conversion—notwithstanding any State statute or decisional rule to the contrary.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; 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; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

APRIL 27, 1976.

[FR Doc.76-12991 Filed 5-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

[45 CFR Part 1451]

BASIC SKILLS RESEARCH GRANTS PROGRAM

Proposal for Awarding Federal Funds

Pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, notice is hereby given that the Director of the National Institute of Education (NIE), with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the regulation set forth below, establishing certain policies, procedures, and requirements for the award of Federal funds under the Basic Skills Research Grants Program.

NIE was established to support the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. While the Congress recognizes that the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government is seen as having a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

NIE is charged by its enabling statute with the responsibility to improve American education through: helping to solve or alleviate the problems and achieve the objectives of American education; advancing the practice of education as an art, science, and profession; strengthening the scientific and technological foundations of education; and building an effective educational research and development system.

The National Council on Educational Research, established by the Congress to develop policy for the NIE, identified research into the acquisition of Basic Skills, particularly reading and mathematics, as a priority. The Basic Skills Research Grants Program addresses that part of the agency's mandate which calls for strengthening the scientific and technological foundations of education, through the funding of projects utilizing research procedures and methodologies.

The Basic Skills Research Grants Program has identified five areas in which further knowledge must be produced, if the obstacles to the acquisition of basic skills are to be eradicated. The specific research areas which the Basic Skills Research Grants Program addresses are listed in section 1451.3 of the following proposed regulation. These areas are: teaching, learning, issues in the validity of educational measurement, design and analysis problems of educational research and evaluation, and law and education. The Program provides funding for independent research in each of these areas.

It is expected that this regulation will be amended from time to time to incorporate future priorities of the Basic Skills Research Grants Program. The contents of this proposed regulation are based on regulations developed for previous field programs of the NIE (45 CFR Part 1450).

Approximately $2.2 million will be available for the first year for projects selected for funding in the Basic Skills Research Grants Program. However, only projects deemed highly meritorious according to the evaluation criteria will be supported, whether or not the resources of the Program are exhausted. Based on past awards for field initiated research submitted to the NIE, it is projected that 5 to 7 proposals will be selected for funding for each of the five research areas in this funding cycle.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed rule to: Regulations Officer, Office of Administration and Management, National Institute of Education, Room 639-B, 1200 19th Street, N.W., Washington, D.C. 20208. The comment period will end June 4, 1976. All comments received in response to this notice will be available to public inspection in the above office between 8:00 a.m. and 4:30 p.m., Mondays through Fridays.

(Catalog of Federal Domestic Assistance Program No. 13.575, Education Research and Development.)

Dated: March 22, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

Approved: April 29, 1976.

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

Part 1451 of 45 CFR is proposed as set forth below:

PART 1451—BASIC SKILLS RESEARCH GRANTS PROGRAM

Sec.
1451.1 Scope.
1451.2 Purpose.
1451.3 Eligible research projects.
1451.4 Applicant eligibility.
1451.5 Applications.
1451.6 Review of applications.
1451.7 Project duration.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a)(2) of Pub. L. 92-318, 86 Stat. 328 (20 U.S.C. 1221e).

§ 1451.1 Scope.

(a) This part establishes procedural and substantive requirements and criteria governing the submission and review of applications for funds under the Basic Skills Research Grants program, conducted by the National Institute of Education with funds appropriated pursuant to Section 405 of the General Education Provisions Act.

(b) Project awards funded pursuant to this part shall be administered in accordance with the General Provisions regulation of the National Institute of Education (Subchapter A of this chapter).

§ 1451.2 Purpose.

The purpose of the Basic Skills Research Grants Program is to further the goal of providing American educators the tools necessary to make further progress in helping all individuals to acquire those skills necessary for full and productive participation in our society. The Basic Skills Research Grants Program will do this by supporting field initiated studies in the substantive areas described in § 1451.3.

§ 1451.3 Eligible research projects.

(a) *Eligible research areas.* Projects funded under this part must involve research in one of the following substantive areas:

(1) *Teaching.* Analysis of the effectiveness of elementary school teaching acts, taking into account the context in which they occur.

(2) *Learning.* Investigation of one or more of the following:

(i) processes underlying comprehension in early reading;

(ii) the cognitive processes underlying comprehension in skilled reading and the development of these processes;

(iii) the structure and use of written and spoken language.

(3) *Issues in the validity of education measurement.* Investigation of either: (i) the theory and practice of criterion-referenced testing; (ii) methods for evaluating the educational significance of program effects; or (iii) development of methods to evaluate and eliminate cultural and social bias in diagnostic and achievement tests.

(4) *Design and analysis problems of educational research and evaluation.* Investigation of methodological issues in one or more of the following: (i) the design and analysis of non-experimental research; (ii) the design and analysis of longitudinal research; (iii) the use of randomized field experiments in educational research; and (iv) problems in the analysis of qualitative data.

(5) *Law and education.* Investigation of one or more of the following, as they relate to educational quality: (i) the role of courts and legislatures in making educational policy; (ii) the use of scientific information by courts and legislatures in resolving education problems; and/or (iii) the impact of education-related judicial and legislative decisions on educational practice.

(b) *Eligible research processes.* Projects which involve research in one of the substantive areas described in paragraph (a) of this section may be carried out using any research process other than those specified in paragraph (c) of this section.

(c) *Ineligible research processes.* Projects which involve the following research processes are not eligible for funding under this part, except to the extent that these research processes may be necessary adjuncts to the carrying out of other eligible research processes:

(1) *Program development.* Providing the means for transforming existing knowledge into practice;

(2) *Curriculum development.* Deciding upon the content of a particular course or unit of instruction; or developing or improving instructional materials or other teaching/learning aids;

(3) *Test development.* Developing new tests or other instruments;

(4) *Dissemination.* Disseminating information;

(5) *Demonstration.* Implementing a new program at one or a number of sites in order to encourage the adoption of the program at other sites;

(6) *Program operation.* Providing education services; and/or,

(7) *Program evaluation.* Evaluating an existing program, curriculum, practice, or piece of equipment.

§ 1451.4 Applicant eligibility.

Colleges, universities, State departments of education, local educational agencies, other public or private nonprofit agencies, organizations, groups, and individuals are eligible for grants. Applications from any corporation, institution, or agency whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual will be considered as unsolicited proposals and will be evaluated in accordance with criteria specified in this part and in HEW Procurement Regulations, Subpart 3-4.52 (41 CFR Part 3-4).

§ 1451.5 Applications.

Applications for grants under this part must include:

(a) A cover sheet executed by the principal investigator indicating (1) that the application is submitted to the Basic Skills Research Grants Program of the National Institute of Education; (2) the title of the study; (3) the substantive area, as described in § 1451.3(a), in which the applicant wishes the project to be reviewed; (4) the name(s), department, institution, address, and telephone number of the principal investigator(s); (5) the estimated budget amount; and (6) the proposed duration and starting date of the project.

(b) A discussion of the proposed research, of no more than thirty double-spaced, typewritten pages, including: (1) *Description and rationale.* A description of the proposed research, its relation to what is already known and to problems of American education, and the importance of its expected addition to knowledge; (2) *Procedures.* Description of the procedures to be followed in carrying out the research, including, where appropriate, such concerns as sampling, data acquition, instrumentation, and data analysis.

(c) A description of facilities and arrangements available to the investigator for conducting the research.

(d) Resume(s) of the principal investigator(s), including education, applicable experience, and a list of major publications.

(e) An estimate of expenses proposed to be charged against the grant, including direct costs (salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs.

§ 1451.6 Review of Applications.

(a) *Substantive areas.* Applications will be evaluated in competition with other applications submitted in the same substantive area, as described in § 1451.3 (a). In making funding awards, the Director will achieve an equitable distribution of projects among all of these substantive areas. An application must address only one of the substantive areas listed in § 1451.3(a).

(b) *Criteria for evaluation.* Evaluation of applications will be based upon the following criteria.

(1) Significance of the proposed research for American education, including: (i) importance of the research topic from the standpoint of basic knowledge or of a problem(s) of American education; (ii) likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including such considerations as: (i) adequacy of design, methodology, and instrumentation where appropriate; (ii) likelihood of success of the project; and (iii) extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the principal investigator and other professional personnel as evidenced by: (i) experience and previous research productivity; and (ii) quality of the discussion and analysis in the application.

(4) Adequacy of the faciilties and arrangements available to the investigator to conduct the proposed study.

(5) Reasonableness of the budget for the work to be done and the anticipated results.

(c) *Inapplicable criteria.* Evaluation criteria set forth in § 1403.10 of this chapter shall not apply to applications submitted under this part.

§ 1451.7 Project duration.

Projects of up to three years duration will be considered. The initial award for a project may provide funds for less than the project period indicated in the proposal, with further support contingent upon availability of funds and satisfactory progress and quality of the research.

[FR Doc.76-13057 Filed 5-4-76;8:45 am]

[45 CFR Part 1470]

EDUCATION AND WORK GRANTS PROGRAM

Proposal To Establish Certain Policies, Procedures and Requirements for Awarding Federal Funds

Pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, notice is hereby given that the Director of the National Institute of Education (NIE), with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the regulation set forth below, establishing certain policies, procedures and requirements for the award of Federal funds under the Education and Work Grants Program. The Program is designed to further the objectives of NIE as they relate to the interactions between education and work institutions and career education within the United States, by improving understanding of the relationship between education and work, increasing the contribution education makes to individuals' abilities to choose and pursue work which is beneficial, and to improve understanding of the career development process.

As set forth in § 1470.5, it is proposed that awards be made in two problem areas related to the objectives of this part:

(1) *The Career Decision-Making Process.* The research question proposed to be addressed is: what factors influence and what competencies are involved in the career decision-making process?

(2) *Pre-occupational interests and occupational preferences.* The research question proposed to be addressed is: What is the nature of pre-occupational interests and occupational preferences as they relate to career development? ("pre-occupational interests" are defined as the broad range of interests which may or may not take on occupational relevance; for example, a student who participates in a science fair or an adult amateur meteorologist could be said to have a "pre-occupational" interest in science, while the aspiration to be a chemist or a professional weather forecaster represents an occupational preference.)

An outline of what must be included in the application is set forth in § 1470.7, including the elements of any proposal problem statement, related research, objectives, procedure (design, sampling, analysis, instrumentation)). Evaluation criteria are set forth in § 1470.8. Section 1470.9 indicates that an application may be for projects up to three-years duration, with a budget for the duration of the project, set forth in twelve-month intervals.

General regulations of NIE for research and development grants were published in the FEDERAL REGISTER (39 FR 38992, November 4, 1974) and codified as Subchapter A, Chapter XIV of 45 CFR. It is provided in 45 CFR 1400.2(b) that the general regulations of Subchapter A will be supplemented by special substantive and procedural rules and policies. This notice of proposed regulations is made in accordance with that provision. In particular, § 1470.8 contains the specific evaluation criteria which the Institute proposes to use to evaluate applications submitted under this part in lieu of the criteria in 45 CFR 1403.10(b). The regulations contained herein are proposed for incorporation as Part 1470 of Subchapter B in Chapter XIV of 45 CFR.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed rule to: Regulations Officer, Office of Administration and Management, National Institute of Education, Room 639-B, 1200 19th Street, N.W., Washington, D.C. 20208. The comment period will end June 4, 1976. All comments received in response to this notice will be available to public inspection in the above office between 8:00 a.m. and 4:30 p.m., Mondays through Fridays.

(Catalog of Federal Domestic Assistance Program No. 13.575, Education Research and Development.)

Dated: March 29, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

Approved: April 29, 1976.

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

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV, a new Part 1470, reading as follows:

PART 1470—EDUCATION AND WORK GRANTS PROGRAM

Sec.
1470.1 Scope.
1470.2 Purpose.
1470.3 Definitions.
1470.4 Applicant eligibility.
1470.5 Types of awards.
1470.6 Ineligible projects.
1470.7 Funding requirements.
1470.8 Evaluation criteria.
APPENDIX—Further Direction on Education and Work Projects.

AUTHORITY: Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1470.1 Scope.

(a) This part establishes procedural and substantive requirements and criteria governing the submission and review of applications for funds under the Education and Work Grants Program.

(b) Applications submitted and assistance provided under this part shall be subject to applicable provisions of subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1470.2 Purpose.

(a) The Education and Work Grants Program will make awards to further the objectives of the National Institute of Education (NIE) as set forth in section 405(a)(2) of the General Education Provisions Act and § 1400.3 of this Chapter as they relate to:

(1) The interactions between education and work institutions; and

(2) Career education within the United States.

(b) The objectives of the grant program are to:

(1) Improve understanding of the relationship between education and work;

(2) Increase the contribution education makes to individuals' abilities to choose, enter, and progress in work that is beneficial to themselves and others; and

(3) Improve understanding of the career development process and the development of programs and activities which can be utilized to assist individuals in making choices which are economically socially, and psychologically rewarding.

(c) The Appendix contains a fuller discussion of the career development process; it imposes no additional requirements but merely gives guidance in meeting the requirements of this part.

§ 1470.3 Definitions.

As used in this part:

"Research projects" means those projects designed to increase or synthesize basic knowledge about processes or conditions relevant to career development; or providing answers to research problems which can be utilized in program development or for making policy decisions relating to career decision-making.

"Pre-occupational interests" means the broad range of interests which may or may not take on occupational relevance; for example, a student who participates in a science fair or an adult amateur meteorologist could both be said to have a "pre-occupational" interest in science,

while the aspiration to be a chemist or a professional weather forecaster represents an occupational preference.

§ 1470.4 Applicant Eligibility.

(a) Applications will be considered under this part only if submitted in response to specific notices in the FEDERAL REGISTER to be issued by the Director.

(b) Colleges, universities, state and local education agencies, and other public or private agencies, organizations, groups or individuals are eligible to apply. Applications from for-profit organizations will be considered as unsolicited proposals and, if successful, will be awarded contracts rather than grants. Applications from for-profit organizations shall be submitted in accordance with criteria specified in this part and in HEW Procurement Regulations, subpart 3-4.52 (41 CFR Part 3-4).

(c) No more than one application per principal investigator will be accepted under each competition. In the event that more than one application per principal investigator is received, the application received earlier in time will be accepted, and subsequent applications will be returned to the applicant.

§ 1470.5 Types of awards.

Awards will be made for projects which seek to answer questions in one of two problem areas related to the objectives of this part:

(a) *The Career Decision-Making Process.* The central research question to be addressed by applications under this problem area is: *What factors influence and what competencies are involved in the career decision-making process?* This question may be addressed by projects which address more specifically the following subquestions:

(1) What factors influence and what competencies are involved in different types of decisions, and are there differences for subgroups of the population?

(2) What factors influence and what competencies are involved in the career decision-making process at different developmental phases or at different ages, and are there differences for subgroups of the population?

(b) *Pre-occupational interests and occupational preferences.* The central research question to be addressed by applications under this problem area is: *What is the nature of pre-occupational interests and occupational preferences and what is their relationship to career development?* This question may be addressed by projects which address more specifically the following subquestions:

(1) What antecedent influences affect the formation of, or change in, pre-occupational interests, and are there differences for subgroups of the population?

(2) How are pre-occupational interests translated into occupational preferences?

(c) *Further discussion.* More detailed discussion of the questions set forth in paragraphs (a) and (b) is provided in the Appendix of this part.

(d) *Secondary analysis of data.* NIE has data sets with supporting documentation which are available to successful applicants for secondary analyses of data under their projects. This does not mean that secondary analyses are limited to these data sets. Researchers who are interested in secondary analyses are encouraged to explore any available data sets to respond to the specific problem areas.

§ 1470.6 Ineligible projects.

No awards will be made for development, dissemination, demonstrations, or program operations. Examples of ineligible projects include:

(a) Operation of educational programs which are being carried out in a variety of settings, including schools, postsecondary institutions, states, etc.

(b) Improvement of educational programs through the implementation of new or improved procedures, techniques, materials, or equipment.

(c) Course development through the production of new curricula or the improvement of existing ones, including the preparation of new instructional materials or the modification of those already in existence.

(d) Development or adaptation in an operational setting of any new or improved procedures, techniques, materials, or equipment.

(e) Demonstration projects which show, exhibit, describe, or explain to others, either in person or through various other communication media, the procedures, techniques and materials which must be employed in the execution of a new or modified instructional task or educational program.

§ 1470.7 Application requirements.

(a) Applications shall be submitted on such forms and with such detail as the Director shall require, including a proposal, requisition form, acknowledgement card, and checklist.

(b) A proposal shall include, in such form as the Director shall require:

(1) a cover sheet,

(2) a 200–500 word abstract of the proposed study, and

(3) a 20–40 page proposal which includes:

(i) *Problem statement.* The problem statement shall succinctly state the problem and its significance for the field. The problem under study shall be limited enough in scope to be "solvable." In addition, this section shall include a statement of the generality of the problem and the generalizability of the research. Finally, a brief summary of the purpose of the research shall be stated.

(ii) *Related research.* Review of empirically and theoretically relevant literature shall be concise and linked to the proposed study. The key elements of each study shall be summarized and a critical review of the methodology, theoretical arguments, and conclusions presented. In addition, a discussion of how this project differs from or meshes with these studies shall be included.

(iii) *Objectives.* Specific and concrete objectives (or hypotheses) need to be specified. The hypotheses or questions flow from the problem statement and the review of the literature. The hypotheses of questions shall be testable (or answerable).

(iv) *Procedure.* Where appropriate, this section shall consist of specific discussions of design, sampling, analysis, and instrumentation.

(A) *The design section* provides a discussion and rationale for how the study shall be undertaken. When appropriate, independent and dependent variables shall be discussed with specification of which are to be manipulated, controlled, and left uncontrolled. All hypotheses, detailed under the objectives sections, shall be accounted for. If experimental and control groups are employed these shall be discussed with possible consequences in interpretation of results outlined. For survey or case study designs this section shall detail the sequence of steps and some discussion of the variables under study.

(B) *The sampling section* characterizes the population under study and provides an operational statement about generalizability. When appropriate, sample size shall be included and a rationale for type of sampling (such as stratified, clustered, random, and the like) shall also be included. Generalizability of any findings based on the sample shall also be detailed.

(C) *The analysis section* shall indicate the methods to be utilized and show how the proposed analysis is consistent with the objectives, design, and sampling. In addition, why the mode of analysis was chosen and how it will be done shall be detailed.

(D) *The instrumentation section* describes the conceptual and operational measures used in the study. Prior instrumentation shall be discussed and appropriateness and acceptability of all variables detailed. Where appropriate, validity and reliability issues shall be specified. Finally, if the proposer is developing a new instrument or new questions to tap various constructs, these shall be included and discussed in detail.

(c) In addition, applications shall include:

(1) An outline of plans for the utilization and dissemination of the research findings. The outline shall include plans for dissemination to researchers, theorists, and practitioners or developers.

(2) A description of the facilities available to the researcher for carrying out the proposed research.

(3) Resume(s) of principal investigator(s) and project staff, including education, applicable experience, and publications.

(4) A management plan and time schedule for the proposed project. The management plan shall detail the staff organization for the project, persons responsible for tasks, and project operations plan.

§ 1470.8 Evaluation criteria.

(a) Applications for assistance under this part will be evaluated in accordance with the criteria described below. The relative weight of the major evaluation criteria is indicated by the percentages assigned.

(1) The significance of the proposed research for American education (20%), including:

(i) The importance of the problem area from the standpoint of basic knowledge or problems of American education;

(ii) The likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of results;

(iii) The appropriateness of the proposed activities to the purposes of the grants program as specified in this announcement.

(2) The quality of the proposed research project (40%), including such consideration as:

(i) The clarity of the problem statement and generalizability of the problem;

(ii) The extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed research to it;

(iii) The clarity and testability of objectives or hypotheses;

(iv) The adequacy of design, sampling, methodology, analysis, and instrumentation, where appropriate;

(v) The appropriateness of the data to the questions being answered and the proposal analysis; and

(vi) The likelihood of success of the project.

(3) Quality of the proposed utilization and dissemination plan (5%).

(4) Qualifications of the principal investigator and other professional personnel (15%), as evidenced by:

(i) Experience and previous research productivity; and

(ii) The quality of the discussion and analysis in the application.

(5) The adequacy of the facilities and arrangements available to the investigator to conduct the proposed study (5%).

(6) The reasonableness of the budget for the work to be done and the anticipated results (10%).

(7) The soundness of the management plan and time schedule (5%).

(b) General criteria set forth in § 1403.10 of this chapter are inapplicable.

(c) All applications shall be evaluated by the Director through officers and employees of the Institute and, when deemed advisable by the Director, by such experts or consultants engaged for the purpose as he/she determines are specially qualified in the areas of research involved in the project; provided that final actions on applications shall be taken only by the Director of his/her designeee who will be directly responsible to the Director.

§ 1470.9 Project duration and budget.

(a) An application for projects of one-to-two years duration are encouraged. Projects of up to three years will be considered.

(b) An application shall set forth a budget in such detail as the Director shall require for the duration of the project, in twelve-month intervals, including costs of dissemination and research and semi-annual trips to Washington, D.C. for meetings.

APPENDIX—FURTHER DIRECTION ON EDUCATION AND WORK PROJECT

1. *The Career Decision-Making Process.* In § 1470.5(a) NIE is calling for proposals to explore, from any of a number of perspectives, the career decision-making process. Career decisions are seen as including a wide range of decisions throughout a person's life (junior high school course selection, choice of a college major, first job selection, selection of adult training, mid-career job change, and the like). These perspectives may vary with regard to the skills, knowledge, attitudes, social-psychological characteristics, competencies, experiences or "chance" factors which influence the making of career decisions. The perspectives may vary with respect to the meanings or significance ascribed to the outcomes of the career decision-making process. They may also vary with respect to the nature of the decisions, their complexity, magnitude, or the age at which they are made. Finally, the perspectives may vary according to the conceptual scheme used to view the decision-making process ranging, for example, from a rational or deterministic approach to one placing greater emphasis on the non-rational or "chance" factors.

In all instances, however, the intent of NIE is to gain knowledge that could improve the contribution of education to the career decision-making process. Thus, consideration in the proposals might be given to perspectives which examine variables amenable to educational or developmental opportunities. Also, consideration might be given to the conceptual, empirical and/or practical underpinnings of the particular model used as the basis for any study; such consideration might include definitions or explanations of key concepts and terms. Proposed research might concentrate on increasing our understanding of how and when career-relevant decisions occur, with specific attention to competencies, knowledge, and skills that an individual brings to and uses in decision-making, to the societal and institutional forces which constrain or enhance career-related decisions, and to the interaction between these two areas.

As indicated in § 1470.5(a) a central research question of interest here is: *What factors influence and what competencies are involved in the career decision-making process?* Consideration should be given to the wide range of factors that affect (positively or negatively) the career decision-making process, e.g., institutional or societal forces, individual skill in gathering and assessing information and in assessing capabilities and interests, and institutional or system awareness. The research should go beyond demonstrating the existence or effects of, for example, a school requirement forcing a curriculum choice, and attempt to explain how this influence is mediated through the knowledge that a pupil has about herself or himself, about existing opportunities, and about consequences of actions. Thus, a study showing a correlation between family background and a range of possible decisions should investigate how the family influences the decision-making process.

Of particular interest are studies in these two general areas:

(a) *What factors influence and what competencies are involved in different types of decisions and are there differences for subgroups of the population* (women, sociocultural groups, economic groups, and the like). Many career decision-making models assume the type of decision is important in explaining the career decision-making process. Types of decisions have been differentiated based on ". . . the distance in time from the present situation to the imagined futures under consideration." (Jepsen, D. and Dilley, J. "Vocational Decision-Making Models: A Review and Comparative Analysis." *Review of Educational Research.* (Summer) 1974:331–349). (e.g., occupational choice has long-range effects while choice of a college major has short-range consequences). A study might investigate, for example, what effects various information skills or environmental factors have on different types of decisions.

(b) *What factors influence and what competences are involved in the career decision-making process at different developmental phases or at different ages, and are there differences for subgroups of the population?* Many theories of career development use the concept of career stages or some time-related notion to describe the career development process. For example, a study might determine whether the skills of assessing one's own capabilities and interests increase as one moves from one stage to another or whether the influence of formal institutions decreases as one grows older.

2. *Pre-occupational Interests and Occupational Preferences.* NIE is also calling for proposals which explore the dynamics of interest formation and change and investigate how occupational or career-related preferences emerge from the broader set of interests an individual has as indicated in § 1470.5(b). For this research pre-occupational interests should be differentiated from occupational preferences. Pre-occupational interests represent a person's broad range of interests which may or may not take on occupational relevance. Occupational preferences refer to that set of interests which have taken or been given occupational direction. For example, a student who participates in a science fair or an adult amateur meteorologist could both be said to have a pre-occupational interest in science, while the aspiration to be a chemist or a professional weather forecaster represents an occupational preference.

A central research question here is: What is the nature of pre-occupational interests and occupational preferences as they relate to career development? Proposals are invited which address this central question through two sub-questions:

(a) *What antecedent influences affect the formation of, or change in, pre-occupational interests and are there differences for subgroups of the population* (women, sociocultural groups, economic groups, etc.)? For example, what are the effects of various factors such as sex or ethnicity of student and teacher, course subject matter, role models, or current labor market position on the development of, or change in, pre-occupational interests?

(b) *How are pre-occupational interests translated into occupational preferences?* For example, what factors (e.g., peers, family, role model, etc.) lead students with similar pre-occupational interests to develop different occupational preferences? Another example could be, what or who influences the translation of pre-occupational interests into career preferences for adults re-entering the paid labor force or anticipating mid-career changes?

[FR Doc.76-13056 Filed 5-4-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

[Petition No. PP 75–1]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Exemption of Celestone Six-Day Tablet-Pack from Child Protection Packaging Requirements

The purpose of this document is to propose exempting the glucocorticoid, Celestone tables (betamethasone), in manufacturer's special dispenser packaging, from the provisions of 16 CFR 1700.14(a)(10) requiring child protection packaging for human prescription drugs in oral dosage forms.

BACKGROUND

In the FEDERAL REGISTER of April 16, 1973 (38 FR 9431), and under provisions of the Poison Prevention Packaging Act of 1970, (Pub. L. 91–601, 15 U.S.C. 1471 et seq.) the Commissioner of the Food and Drug Administration promulgated a regulation (21 CFR 295.2(a)(10) establishing child protection packaging requirements for human prescription drugs in oral dosage forms, effective April 16, 1974.

In the document's preamble, the Commissioner announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)) transferred functions under the Poison Prevention Packaging Act of 1970 to the Consumer Product Safety Commission.

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, the amendment proposed below involves 16 CFR 1700.14(a)(10) instead of 21 CFR 295.2(a)(10).

EXEMPTION PETITION

On June 26, 1974, the Consumer Product Safety Commission received a petition from Schering Corporation, Kenilworth, New Jersey 07033, requesting an exemption for a human oral prescription drug product, Celestone Six-Day Tablet-Pack, from the child protection packaging requirements of 16 CFR 1700.14(a)(10).

GROUNDS FOR EXEMPTION

Celestone Six-Day Tablet-Pack is a 21 tablet package containing a total amount of 12.6 milligrams of the synthetic glucocorticoid, betamethasone (0.6 mg/tab). This glucocorticoid is used as an anti-inflammatory agent in the treatment of disorders such as allergic states, rheumatism, and certain dermatologic conditions. The petitioner states that the special dispenser packaging allows the patient to reduce his steroidal intake from six tablets on the first day to one tablet on the sixth day in a manner consistent with patient needs and medical requests. An LD50 of over 10,000 mg/kg was reported when the active ingredient was administered orally to mice. This amount is considerably larger than the 12.6 milligrams in a 21 tablet package.

During the years 1969–1973, 22 accidental ingestions of Celestone by children, younger than five years of age, were reported to the National Clearinghouse for Poison Control Centers. No symptoms or hospitalizations were reported from these ingestions. (The ingestion reports were not necessarily related to the Six-Day Tablet-Pack since Schering Corporation markets Celestone in other quantities. The particular package sizes were not given with the ingestion reports.) The firm stated that in the same five year period, over 88 million tablets of Celestone were distributed.

CONCLUSION AND PROPOSAL

Having considered the petition, human experience data from the National Clearinghouse for Poison Control Centers and other medical and scientific literature, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Commission has made a preliminary determination that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the product for which an exemption has been sought. As a result the Commission concludes that an exemption covering Celestone Six-Day Tablet Pack containing no more than 12.6 mg of betamethasone should be proposed as set forth below.

The Commission emphasizes that this proposal is limited to an exemption from only the special packaging standards for prescription drugs imposed by section 1700.14(a)(10), and is further limited to only those manufacturer's dispenser packages that contain no more than 12.6 milligrams betamethasone and contain no other substance subject to requirements for special packaging.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (sec. 2(4), 3, 6, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14(a)(10) be amended by adding a new paragraph (a)(10)(viii) as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) * * *

(viii) Celestone tablets in manufacturer's Six-Day Tablet-Pack, where each package contains no more than 12.6 milligrams betamethasone and contains no other substance subject to the provisions of this regulation.

* * * * * *

Because the Commission preliminarily finds that this drug does not pose a risk of serious personal illness or injury to children, the publication of this proposed amendment shall have the effect of suspending the cited regulation only as it applies to the drug as described above, pending review of comments and promulgation of a final regulation. This proposal shall in no way abrogate or restrict the special packaging standard covering other human prescription oral drugs.

Interested persons are invited to submit, on or before July 6, 1976, written comments regarding this proposal. Comments received after July 6, 1976 will be considered whenever practicable. Comments 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. Received comments and accompanying data may be seen in the Office of the Secretary, 8th Floor, 1750 K Street, NW., Washington, D.C., during working hours Monday through Friday.

Dated: April 29, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–13074 Filed 5–4–76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Docket No. R–0027; Reg. Q]

INTEREST ON DEPOSITS

Clarification of Notice of Proposed Rulemaking Withdrawals From Savings Deposits

On March 15, 1976, the Board of Governors of the Federal Reserve System invited public comment on a proposed amendment to Regulation Q (Interest on Deposits) to permit banks that are members of the Federal Reserve System to transfer funds automatically from savings accounts to demand deposit (checking) accounts when the customers' demand deposit account balances are insufficient to permit payment by the bank of checks that the customers had written (41 FR 12039). The proposed service would permit customers to instruct their banks to add funds automatically to a demand deposit account when a balance has fallen below a specified level. Such a service is not permitted at this time under the provisions of Regulation Q.

In reviewing the comments that have been received to date on this proposal, it has been found that several comments evidence some misunderstanding concerning the operation of the proposed overdraft service. This statement is being issued to clarify the Board's propo-

sal concerning overdraft transfers from savings accounts.

The overdraft service proposed by the Board is completely voluntary. Bank customers will not be required to obtain the transfer service. Banks would not be authorized to transfer a depositor's funds from a savings account unless the depositor voluntarily had entered into an agreement previously with the bank specifically authorizing this transfer practice.

The overdraft service was proposed to provide depositors with an alternative to existing procedures in those instances where there are insufficient funds in depositors' checking accounts. Generally, if a customer's check is presented to the bank and there are insufficient funds in the customer's checking account, the check is returned to the payee with the term "insufficient funds" indicated on the check. As a result, the bank usually charges a fee to the customer when it is necessary to return these checks. As an alternative to returning checks, many banks currently advance funds to customers in accordance with overdraft loan agreements. Under such overdraft loan agreements, the bank charges customers interest on the funds advanced.

The Board's proposal is intended to provide an additional alternative available to bank customers in order to permit them to avoid having checks returned because of insufficient funds in their checking accounts. As proposed, a depositor by prior agreement could instruct the bank to transfer funds from his or her savings account to his or her checking account in the event there are insufficient funds in the checking account to cover checks that have been presented for payment. The service could also be used to replenish the customer's checking account if the depositor wishes to maintain a specified minimum balance in the checking account.

The proposal would permit depositors to transfer funds in multiples of $100 or more. In addition, the depositor would be required to forfeit at a minimum an amount equivalent to at least 30 days' interest on the funds transferred. The Board believes that the forfeiture of interest provision aids in preserving the effectiveness of the statutory prohibition against the payment of interest on demand deposits. The proposed minimum forfeiture amount would be approximately $.42 per $100 transferred if the bank pays interest at a rate of 5 per cent on its savings deposits. Member banks, however, would be permitted to impose any service charge for such transfer services provided such charge equal or exceeds the minimum forfeiture amount specified in the proposal and had been agreed upon by the bank and its depositor. The Board believes that this penalty would compare favorably with service charges now imposed by banks for processing returned checks or for lending money to the depositor to cover these checks.

If adopted, the Board believes that the overdraft service could reduce the number of checks that are returned through the check clearing operations of the banking system and could result in a substantial savings for customers, businessmen, bankers, and the Federal Reserve System.

Accordingly, further public comment is requested on this proposal and on whether some other minimum forfeiture would be appropriate and whether transfers of denominations different from the proposed $100 minimum would be appropriate.

In view of the above, the Board has extended the comment period for an additional 30 days. Interested persons are invited to submit their views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1976. All material submitted should include the docket number R-0027. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, April 29, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-13073 Filed 4-5-76;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1606]

APPLICATION AND DENIAL OF REFUNDING

Proposed Procedures

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1011 of the Act, 42 U.S.C. 2996j, provides that the Corporation shall prescribe procedures to insure that, among other things, applications for refunding are not denied unless the grantee, contractor, or person or entity receiving financial assistance has been afforded reasonable notice and an opportunity for a timely, full, and fair hearing.

A proposed temporary regulation was published on March 12, 1976 (41 FR 10630). (The procedures described in the proposed temporary regulation have been prescribed by the Corporation in matters now pending before it). Interested persons were given until April 11, 1976 to submit comments on the proposal. At a meeting held on April 24, 1976, the Board of Directors of the Corporation approved a resolution adopting the proposed temporary regulation, without change, as a temporary regulation, and directing that it be published in the FEDERAL REGISTER.

The following regulation has been proposed by the staff of the Corporation as a permanent regulation governing application for and denial of refunding under Section 1006(a)(1)(A) of the Act. It has not yet received full consideration by the Committee on Regulations appointed by the Board of Directors of the Corporation, but at meeting held on April 24, 1976, the Board of Directors authorized its publication for the purpose of receiving public comment, pursuant to Section 1008(e) of the Act, 42 U.S.C. 2996g(e). Comments will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005, on or before June 3, 1976. Comments must be in writing, may be supported by a memorandum or brief, and may be seen at the above offices during business hours, Monday through Friday.

Part 1606, as approved for publication by the Board of Directors, is set forth below:

PART 1606—PROCEDURES GOVERNING APPLICATONS AND DENIAL OF REFUNDING

Sec.

1606.1 Purpose.
1606.2 Definitions.
1606.3 Application for refunding.
1606.4 Grounds for denial of refunding.
1606.5 Notice of proposed denial of refunding.
1606.6 Initiation of proceedings.
1606.7 Informal conference.
1606.8 Written submissions.
1606.9 Conduct of hearing.
1606.10 Burden of proof.
1606.11 Final decision.
1606.12 Right to counsel.
1606.13 Reimbursement.
1606.14 Interim funding.
1606.15 Termination funding.
1606.16 Waiver.
1606.17 Notice.

AUTHORITY: Sec. 1006(b)(1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 (42 U.S.C. 2996e(b)(1) and (3), 2996f(a)(1), 2996f(a)(3), 2996f(a)(9), 2996f(d), 2996g(e), 2996j).

§ 1606.1 Purpose.

By affording a recipient the opportunity for a timely, full, and fair hearing that will promote informed deliberation by the Corporation when there is reason to believe an application for refunding should be denied, this Part seeks to avoid unnecessary disruption in the delivery of legal assistance to eligible clients.

§ 1606.2 Definitions.

(a) "Denial of refunding" means a decision that, after expiration of its current grant or contract, a recipient that has filed an application for renewal of an existing grant or contract

(1) Will not be provided with financial assistance; or

(2) Will have its annual level of financial support reduced to an extent that is not required by a reduction in the Corporation appropriation that is apportioned among all recipients of the same class; and is

(i) More than 10% below the recipient's annual rate of financial assistance under its current grant or contract; or

(ii) More than $50,000 below the recipient's annual rate of financial assist-

ance under its current grant or contract; or

(3) Will be provided with financial assistance subject to a new condition or restriction that is not generally applicable to all recipients of the same class, and that would significantly reduce the ability of a recipient to maintain its current level of legal assistance to eligible clients.

(b) "Director of a recipient" means the person directly employed by a recipient in an executive capacity, who has overall day-to-day responsibility for management of operations by the recipient.

(c) "President", as used in this Part, means the President of the Corporation, and not his designee.

(d) "Responsible official", as used in this Part, means the President, or a person authorized by the President to recommend a final decision that an application for refunding should be granted or denied.

§ 1606.3 Application for refunding.

At least 120 days before expiration of its current grant or contract, a recipient shall file an application for refunding with the Corporation in conformity with instructions which, from time to time, may be issued by the Corporation.

§ 1606.4 Grounds for denial of refunding.

An application for refunding may be denied when

(a Denial is required by a change in Corporation policy that is generally applicable to all recipients of the same class; or

(b) Denial is required by a change of law or by a condition appended by Congress to the Corporation's appropriation; or

(c) There has been substantial failure by a recipient to comply with a provision of the Act, or a rule, regulation, or guideline issued by the Corporation, or a term or condition of its current grant from or contract with the Coporation or a predecessor agency; and the recipient has not taken effective or timely corrective action after due notice from the Corporation; or

(d) There has been substantial failure by a recipient to provide high quality, economical, and effective legal assistance, as measured by generally accepted professional standards, the provisions of the Act, or a rule, regulation, or guideline issued by the Corporation; and the recipient has not taken effective and timely corrective action after due notice from the Corporation; or

(e) Denial will further a Corporation decision, goal, or policy regarding allocation of resources; or

(f) A more economical and effective method of, or structure for, providing legal assistance is available in the general area served by the recipient; or

(g) Merger or consolidation of a recipient with another recipient or entity will result in more effective or economical provision of legal assistance.

§ 1606.5 Notice of proposed denial of refunding.

When there is reason to believe an application for refunding should be denied, the Corporation shall give written notice to a recipient. The notice shall state the grounds for proposed denial, and shall identify, with reasonable specificity, and facts relied upon as justification for denial.

(a) If denial is proposed on a ground set forth in paragraph (a) or (b) of Section 1606.4, no further proceedings shall be held under this Part and the proposed decision shall become final 15 days after receipt of notice by the recipient, and the notice shall so inform the recipient. The notice shall inform the recipient of its right to request termination funding under this Part.

(b) If denial is proposed on a ground set forth in paragraphs (c) through (g) of Section 1606.4, the notice shall inform the recipient of its right to a hearing upon written request made to the Corporation within 15 days of receipt of the notice, and shall also inform the recipient of its right to request interim funding under this Part. The proposed decision shall become final at the end of the period prescribed for requesting a hearing unless, within that time, a recipient

(1) Requests a hearing; or

(2) Requests an opportunity to be heard pursuant to other procedures authorized by this Part, and specifies which procedures it wishes to follow.

§ 1606.6 Initiation of proceedings.

Within 10 days of receipt of a request, in accordance with Section 1606.5(b), for a hearing or other procedure, the Corporation shall notify a recipient in writing of

(a) The name of the responsible official; and

(b) The date, time, and place of the procedure requested by the recipient under Section 1606.5(b).

§ 1606.7 Informal conference.

The responsible official shall hold an informal conference within 15 days of issuance of the notice required by Section 1606.6. The purpose of the conference shall be to identify, and if possible, to resolve, the issues. At the conclusion of the conference the responsible official shall set the time, date, and place for a hearing, or if no hearing is to be held, for other further proceedings. If a recipient waives its right to further proceedings, the responsible official shall make a recommended final decision granting or denying the application for refunding.

§ 1606.8 Written submissions.

A recipient wishing to make a written submission shall do so within 20 days of issuance of the notice required by Section 1606.6. Written submissions shall state the reasons why refunding should not be denied; shall identify, with reasonable specificity, any disputed facts; and may include documentary evidence, briefs, memoranda, or other material. Any other interested party may also make written submissions.

§ 1606.9 Conduct of hearing.

A hearing shall commence within 45 days of issuance of the notice required by Section 1606.6, and, in the absence of special circumstances, shall be held at a place convenient to the recipient and the community it serves. The hearing shall be conducted as follows:

(a) The responsible official shall preside, and shall conduct a full and fair hearing, avoid delay, maintain order, and insure that a record sufficient for full disclosure of the facts and issues is made. The hearing shall be open to the public unless, for good cause, and in the interests of justice, the responsible official shall determine otherwise.

(b) The responsible official may allow any person or organization to participate in the hearing if such participation would aid in a proper determination of the issues.

(1) A person or organization wishing to participate in a hearing shall request permission from the responsible official, stating the reason for the request, and the nature of the evidence or argument to be offered; and shall notify the Corporation and the recipient of its request.

(2) The responsible official shall notify the Corporation, the recipient, and the person or organization requesting participation whether the request has been granted, and in case of denial shall include a brief statement of the reasons therefor.

(3) The responsible official may limit the scope or form of participation authorized under this paragraph.

(c) The Corporation and the recipient each shall be entitled to present its case by oral or documentary evidence, to conduct examination and cross-examination of witnesses, to examine any document submitted by another party, to submit rebuttal evidence, and to present briefs and oral argument on questions of law, fact, or policy.

(d) Upon sufficient notice, and for good cause, the responsible official may require the Corporation or the recipient to produce a relevant document in its possession, or to produce a person in its employ whose relevant testimony would be a substantial addition to the accuracy or completeness of the record.

(e) If a party fails, without good cause, to produce a person or document required under paragraph (d), the responsible official may make an adverse finding on the fact or issue with respect to which production was required.

(f) Technical rules of evidence shall not apply. The responsible official shall make any procedural or evidentiary ruling which may help to insure full disclosure of the facts, to maintain order, or to avoid delay. Irrelevant, immaterial, or unduly prejudicial or repetitious evidence may be excluded.

(g) Official notice may be taken of published policies, regulations, and guidelines of the Corporation, of any

matter of which judicial notice may be taken in a federal court, or of any other matter whose existence, authenticity, or accuracy is not open to serious question.

(h) A record or summary of the hearing shall be made in a manner determined by the responsible official, and shall be made available to a party upon payment of costs; but a party seeking to avoid costs may be allowed to make its own record of the proceeding.

§ 1606.10 Burden of proof.

At a hearing under Section 1606.9,

(a) If denial of refunding is proposed on a ground set forth in paragraph (c) or (d) of Section 1606.4, the Corporation shall have the burden of proving, by a preponderance of the evidence, the existence of any disputed fact relied upon as justification for denial of refunding; and

(b) The recipient shall have the burden of persuasion on all other issues.

§ 1606.11 Final decision.

(a) Within 10 days after the conclusion of a hearing the responsible official shall issue, in writing, a recommended final decision

(1) granting the application for refunding, subject to any modification or condition which may be deemed necessary on the basis of information adduced at the hearing; or

(2) denying the application for refunding.

(b) If the recommended final decision is to deny refunding, or to subject a grant of refunding to a modification or condition it shall state the reasons for denial, and findings of fact concerning the recipient. A finding of fact concerning the recipient shall be based solely upon evidence adduced at the hearing or matters of which official notice was taken.

(c) If the responsible official is the President, a recommended final decision shall become final upon receipt by the recipient.

(d) If the responsible official is not the President,

(1) Within ten days after receipt of a recommended final decision the recipient and any other party who was authorized under Section 1606.10(b) to participate in the hearing may submit written comments to the President; and

(2) Within 20 days after conclusion of a hearing the President shall issue a written decision which shall conform to the requirements of Paragraph (b) of this section. A decision by the President shall become final upon receipt by a recipient.

§ 1606.12 Right to counsel.

At a hearing under Section 1606.9, the Corporation and a recipient each shall be entitled to be represented by counsel, or by another person. The attorney designated may be an employee; or may be outside counsel retained for the purpose, who may be compensated at the reasonable and customary rate for an attorney practicing in the vicinity of the attorney retained.

§ 1606.13 Reimbursement.

If an application for refunding is granted after a Notice of Proposed Denial has been issued under Section 1606.5, a recipient, at the discretion of the President, may receive reimbursement by the Corporation, in whole or part, for reasonable out-of-pocket expenses that were required in connection with proceedings under this Part.

§ 1606.14 Interim funding.

Failure by the Corporation to meet a time requirement of this Part shall not entitle a recipient to funding, but if the Corporation fails to take final action upon an application for refunding prior to expiration of the term of a recipient's current grant or contract, the Corporation shall provide the recipient with interim funding necessary to maintain its current level of legal assistance activities under § 1006(a)(1)(A) of the Act until

(a) The application for refunding has been approved and funds pursuant thereto received, or

(b) A final decision denying the application has been made.

§ 1606.15 Termination funding.

After a final decision to deny refunding, the Corporation may authorize any temporary funding that is necessary to enable a recipient to close or transfer current matters in a manner consistent with the recipient's professional responsibility to its present clients.

§ 1606.16 Waiver.

With the consent of the recipient affected, the responsible official may waive any provision of this Part.

§ 1606.17 Notice.

A notice required to be sent to a recipient under this Part shall be sent to the director of the recipient, and may be sent to the head of its governing body.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12954 Filed 5-4-76;8:45 am]

[45 CFR Part 1607]

GOVERNING BODIES OF RECIPIENTS

Accountability to Clients

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996l ("the Act"). Section 1007(c) of the Act, 42 U.S.C. 2996f (c), provides that the Corporation shall insure that recipients are governed by bodies which meet certain specific requirements as to membership.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning the governing bodies of recipients. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before June 3, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1607 is added in proposed form as set forth below:

PART 1607—GOVERNING BODIES OF RECIPIENTS

Sec.
1607.1 Purpose.
1607.2 Definition.
1607.3 Composition.
1607.4 Functions of a governing body.
1607.5 Waiver.
1607.6 Compensation.

AUTHORITY: Sec. 1007(c), 1008(e) (42 U.S.C. 2996f (c), 2996g(e)).

§ 1607.1 Purpose.

This Part is designed to insure that the governing body of a recipient will be well qualified to guide a recipient in its efforts to provide high quality legal assistance to those who otherwise would be unable to obtain adequate legal counsel, and to insure that the recipient is accountable to its clients.

§ 1607.2 Definition.

"Eligible client," as used in this Part, means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

§ 1607.3 Composition.

(a) A recipient shall be incorporated in a State in which it provides legal assistance, and shall have a governing body that reasonably reflects the interests and characteristics of the eligible clients in the area served.

(b) At least sixty (60) percent of a governing body shall be attorneys admitted to practice in a State in which a recipient is to provide legal assistance, who are supportive of the purposes of the Act and have interest in, and knowledge of, the delivery of quality legal services to the poor.

(c) The attorneys shall be selected from, or designated by, appropriate Bar Associations and other groups, including, but not limited to, law schools, civil rights or anti-poverty organzations, and organizations of eligible clients.

(d) At least one member of a governing body shall be, when selected, an eligible client, and at least one-third of the members shall be either eligible clients, or representatives of associations, groups, or organizations of eligible clients.

(e) The members who are, or who represent those who are, eligible clients,

shall be selected from, or designated by, a variety of appropriate groups including, but not limited to, client and neighborhood associations and organizations.

(f) The categories of "attorney" and "eligible client representative" are not mutually exclusive; a single individual may be counted toward satisfaction of both requirements.

(g) The remaining members of a governing body may be selected from, or designated by, other community groups that support the findings and purposes of the Act.

(h) No category of governing board membership shall be dominated by representatives of a single association, group, or organization.

(i) Members of a governing body may be selected by appointment, election, or other means. The method of selection and composition shall be subject to approval by the Corporation. A recipient whose current governing body does not satisfy the requirements of this section shall submit for approval a plan for achieving compliance as soon as possible.

§ 1607.4 Functions of a Governing Body.

(a) A governing body shall have at least four meetings a year. Timely and effective prior public notice of all meetings shall be given, and all meetings shall be public except for those concerned with matters properly discussed in executive session.

(b) A governing body shall establish and enforce broad policies governing the operation of a recipient, but shall not interfere with any attorney's professional responsibilities to clients.

§ 1607.5 Waiver.

(a) Upon application, the President shall waive the requirements of this Part to permit a recipient that was funded under Section 222(a)(3) of the Economic Opportunity Act of 1964 and, on July 25, 1974, had a majority of persons who were not attorneys on its governing body, to continue such a non-attorney majority.

(b) The President may waive the requirements of this Part upon application of a recipient that demonstrates that it cannot comply with them because of (1) the nature of the population or area served; or (2) special circumstances, including, but not limited to, conflicting requirements of the recipient's major funding source.

(c) A recipient seeking a waiver shall demonstrate that it has made diligent efforts to comply with the requirements of this Part.

§ 1607.6 Compensation.

While serving on a governing body no member shall receive compensation from a recipient, but a member may receive payment for normal travel and other out-of-pocket expenses required for fulfillment of the obligations of membership.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12955 Filed 5-4-76;8:45 am]

[45 CFR Part 1608]

PROHIBITED POLITICAL ACTIVITIES

Quality Legal Assistance

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974 Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Sections of the Act, including Sections 1005(b), 1006(b)(5), 1006(d)(3) and (4), 1006(e)(1) and (2), 1007(a)(6) and 1007(b)(2) prohibit certain political activities by the Corporation, recipients, and their respective employees.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning prohibited political activities. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before June 3, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1608 is added in proposed form as set forth below:

PART 1608—PROHIBITED POLITICAL ACTIVITIES

Sec.

1608.1 Purpose.
1608.2 Definition.
1608.3 Prohibitions applicable to the Corporation and to recipients.
1608.4 Prohibition applicable to all employees.
1608.5 Prohibitions applicable to Corporation employees and staff attorneys.
1608.6 Prohibitions applicable to attorneys and to staff attorneys.
1608.7 Attorney-client relationship.
1608.8 Enforcement.

AUTHORITY: Sections 1001(5), 1005(b)(2), 1006(b)(3), 1006(b)(5)(B), 1006(d)(3), 1006(d)(4), 1006(e)(1), 1006(e)(2), 1007(a)(6), 1007(b)(2), (42 U.S.C. 2996(5), 2996d(b)(2), 2996e(b)(3), 2006e(b)(5)(B), 2006e(d)(3), 2996e(d)(4), 2996e(e)(1), 2996e(e)(2), 2996f(a)(6), 2996(b)(2).

§ 1608.1 Purpose.

This Part is designed to insure that the Corporation's resources will be used to provide high quality legal assistance and not to support or promote political activities or interests. The Part should be construed and applied so as to further this purpose without infringing upon the constitutional rights of employees or the professional responsibilities of attorneys to their clients.

§ 1608.2 Definition.

"Legal assistance activities," as used in this Part, means any activity.

(a) carried out during an employee's working hours;

(b) using resources provided by the Corporation or by a recipient; or

(c) that, in fact, provides legal advice, or representation to an eligible client.

§ 1608.3 Prohibitions Applicable to the Corporation and to Recipients.

(a) Neither the Corporation nor any recipient shall use any political test or qualification in making any decision, taking any action, or performing any function under the Act.

(b) Neither the Corporation nor any recipient shall contribute or make available Corporation funds, or any personnel or equipment

(1) to any political party or association,

(2) to the campaign of any candidate for public or party office, or

(3) for use in advocating or opposing any ballot measure, initiative, or referendum.

§ 1608.4 Prohibitions Applicable to All Employees.

(a) No employee shall intentionally identify the Corporation or a recipient with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.

(b) No employee shall use any Corporation funds for activities prohibited to attorneys under Section 1608.6; nor shall an employee intentionally identify or encourage others to identify the Corporation or a recipient with such activities.

§ 1608.5 Prohibitions Applicable to Corporation Employees and to Staff Attorneys.

While employed under the Act, no Corporation employee and no staff attorney shall, at any time,

(a) use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan;

(b) directly or indirectly coerce, attempt to coerce, command or advise an employee of the Corporation or of any recipient to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes; and

(c) no staff attorney shall be a candidate for elective public office, whether partisan or nonpartisan; nor shall a Corporation employee be a candidate for partisan elective public office.

§ 1608.6 Prohibitions Applicable to Attorneys and to Staff Attorneys.

(a) While engaged in legal assistance activities supported under the Act, no attorney shall engage in

(1) any political activity,

(2) any activity to provide voters with transportation to the polls, or to provide similar assistance in connection with an election, or

(3) any voter registration activity.

(b) While employed under the Act, no staff attorney shall engage in the activities prohibited by paragraphs (a)(2) or (a)(3) of this section at any time.

§ 1608.7 Attorney-Client Relationship.

Nothing in this Part is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

§ 1608.8 Enforcement.

This Part shall be enforced according to the procedures set forth in Section 1612.5.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12956 Filed 5-4-76;8:45 am]

[45 CFR Part 1609]

FEE-GENERATING CASES

Guarantee to Clients

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Section 1007(b)(1) of the Act, 42 U.S.C. 2996f(b)(1), prohibits the use of Corporation funds to provide legal assistance with respect to any fee-generating case, except in accordance with guidelines promulgated by the Corporation.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning fee-generating cases. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before June 3, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1609 is added in proposed form as follows:

PART 1609—FEE-GENERATING CASES

Sec.
1609.1 Purpose.
1609.2 Definitions.
1609.3 Prohibition.
1609.4 Authorized representation in a fee-generating case.
1609.5 Acceptance of fees.
1609.6 Acceptance of reimbursement.

AUTHORITY: Sec. 1007(b)(1), 1008(e) (42 U.S.C. 2996f(b)(1), 2996g(e)).

§ 1609.1 Purpose.

This Part is designed to insure that recipients do not compete with private attorneys and, at the same time, to guarantee that eligible clients are able to obtain appropriate and effective legal assistance.

§ 1609.2 Definitions.

(a) "Fee-generating case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party;

(b) "Recipient", as used in this Part, means any grantee or recipient of funds for the provision of legal assistance under the Act.

§ 1609.3 Prohibition.

No recipient shall use funds received from the Corporation to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All receipients shall establish procedures for the referral of fee-generating cases.

§ 1609.4 Authorized Representation in a Fee-Generating Case.

Adequate representation is deemed to be unavailable when

(a) an eligible client has sought unsuccessfully to obtain representation from two private attorneys or through the local referral service; or

(b) the recipient has determined that referral is not possible because

(1) it has attempted unsuccessfully to refer the case or matter to the local lawyer referral service, or to two private attorneys; or

(2) the case is of the type that private lawyers in the area ordinarily do not accept; or

(3) emergency circumstances compel immediate action before referral can be made; or

(c) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief; or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

§ 1609.5 Acceptance of Fees.

(a) A recipient may accept a fee awarded or approved by a court or administrative body, or included in a settlement, if

(1) the requirements of Section 1609.4 are met, and

(2) funds received are used for purposes authorized by the Act and are reported to the Corporation.

(b) If a fee awarded or approved by a court or administrative body is made to an attorney, it shall be remitted promptly to the recipient.

§ 1609.6 Acceptance of Reimbursement.

When a case or matter results in an award of damages, other than statutory benefits, to a client, a recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(a) the requirements of Section 1609.4 are met, and

(b) the deduction of costs and expenses will not reduce the client's recovery below the amount necessary to compensate the client fully, and

(c) the client has agreed in writing to reimburse the recipient for such costs and expenses.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12957 Filed 5-4-76;8:45 am]

[45 CFR Part 1610]

USE OF FUNDS FROM SOURCES OTHER THAN THE CORPORATION

Prohibitions and Accounting

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Section 1010(c) of the Act, 42 U.S.C. 2996i(c), restricts the use of funds received by any recipient from a source other than the Corporation.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning use of funds from sources other than the Corporation. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before June 3, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comment received pursuant to this notice.

Part 1610 is added in proposed form as follows:

PART 1610—USE OF FUNDS FROM SOURCES OTHER THAN THE CORPORATION

Sec.
1610.1 Definition.
1610.2 Prohibition.
1610.3 Authorized use of other funds.
1610.4 Accounting.

AUTHORITY: Sec. 1010(c), 1008(e) (42 U.S.C. 2996i(c), 2996g (e)).

§ 1610.1 Definition.

"Recipient", as used in this Part, means any grantee or contractor receiving financial assistance from the Corporation under Section 1006(a)(1)(A) of the Act, but does not include any private attorney, law firm, state or local entity of attorneys, or a legal aid organization that has a separate public defender program.

§ 1610.2 Prohibition.

No recipient shall use funds received from any source for purposes prohibited by the Act or Corporation Regulations, unless such use is authorized by Section 1610.3.

§ 1610.3 Authorized Use of Other Funds.

A recipient may receive public or tribal funds and use them in accordance with the purposes for which they were provided.

§ 1610.4 Accounting.

Funds received by a recipient from a source other than the Corporation shall be accounted for and reported to the Corporation as separate and distinct receipts and disbursements in the manner directed by the Corporation.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12958 Filed 5-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 486]

SECRETARIAL DETERMINATION

Eligibility of the Government of Mauritania To Receive Defense Articles and Defense Services Acquired by the Government of Jordan

Pursuant to section 3(a)(1) of the Foreign Military Sales Act, as amended, (the Act) and the authority vested in me by Presidential Determination No. 73–10 of January 2, 1973 (38 F.R. 7211), I hereby find that the transfer by the Government of Jordan to the Government of Mauritania of defense articles and defense services acquired under the Act will strengthen the security of the United States and promote world peace.

This finding shall be reported to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Sente.

This finding shall be published in the FEDERAL REGSTER.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

APRIL 20, 1976.

[FR Doc.76–12983 Filed 5–4–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MOAB DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Moab District Multiple Use Advisory Board of the Bureau of Land Management will meet on June 9 and 10, 1976, commencing at 10:00 a.m. in the Ramada Inn Conference Room, 182 South Main, Moab, Utah.

The agenda for the meeting will include: A discussion of the Board's Charter and responsibilities, organization of the Board and election of officers, a summary presentation of on-going Bureau programs and responsibilities, a status report on each resource program in the District, and a detailed presentation and discussion of the Bureau Planning System especially as it applies to the District's Big Flat-Squaw Park Planning Unit.

The second day will be a continuation of the first day's program and a review in the field of Planning System decisions, as they relate to on-going field operations.

The meeting is open to the public with seating provided for approximately 40 people. Persons wishing to attend the field trip should plan to furnish their own transportation and lunch. Time will be made available for a number of brief statements by members of the public. Those wishing to make an oral statement should inform the Moab District Manager prior to the meeting. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Mr. S. Gene Day, District Manager, Moab District, P.O. Box 970, 72 South Main Street, Moab, Utah 84532. (Telephone 801–259–7106.)

Minutes of the meeting will be available at the Moab District Office for public inspection and copying, thirty days after the meeting.

S. GENE DAY,
District Manager.

[FR Doc.76–13013 Filed 5–4–76;8:45 am]

[INT FES 76–23]

Geological Survey

GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Availability of 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 proposed Regulations for Geological and Geophysical Explorations of the Outer Continental Shelf (30 CFR Part 250.97 and 30 CFR Part 251).

The final environmental statement is available for public review at the following locations: U.S. Geological Survey, Public Inquiries Office, 341 National Center, Reston, Virginia 22092; U.S. Department of Interior, Office of Communication, Room 7222, 18th and C Streets NW., Washington, D.C. 20240; Regional Conservation Manager, U.S. Geological Survey, 336 Imperial Office Building, 3301 North Causeway Blvd., Metairie, Louisiana 70011; Regional Conservation Manager, U.S. Geological Survey, Room 213, 1725 K Street NW., Washington, D.C. 20006; Regional Conservation Manager, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025; Area Oil and Gas Supervisor, Conservation Division, U.S. Geological Survey, 218 E. Street, P.O. Box 259, Anchorage, Alaska 99501; Area Oil and Gas Supervisor, Conservation Division, U.S. Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

Single copies of the final environmental impact statement can be obtained from: U.S. Geological Survey, 760 National Center, Reston, Virginia 22092.

Dated: April 30, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–13099 Filed 5–4–76;8:45 am]

Geological Survey

PACIFIC AREA

Drilling Procedures, Final OCS Order

Notice is hereby given that pursuant to 30 CFR 250.11, the Chief, Conservation Division, Geological Survey, proposes to approve the revised Outer Continental Shelf (OCS) Order No. 2 for the Pacific Area.

The purpose of revised OCS Order No. 2 is to provide revised requirements for drilling procedures on the OCS in the Pacific Area.

A proposed revision to this Order was published in the FEDERAL REGISTER, Vol. 40, No. 222, November 17, 1975, with a solicitation for comments and suggestions. All comments were reviewed and have been included as appropriate in the final version of this Order.

Order No. 2 for the Pacific Area will be effective May 1, 1976.

W. A. RADLINSKI,
Acting Director.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this Order which shall continue in effect until field drilling rules are issued. When sufficient geologic and engineering information is obtained through exploratory drilling, operators may make application or the Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. Each Application for Permit to Drill (Form 9–331C) shall include all information required under 30 CFR 250.91, and shall include a notation of any proposed departures from the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

The operator shall comply with the following requirements. All applications for ap-

proval under the provisions of this Order shall be submitted to the appropriate District Engineer. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Well Casing and Cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.-41(a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. All casing except drive pipe shall be new pipe which meets the API standards or reconditioned used pipe that has been tested to insure that it will meet API standards for new pipe. In addition, the surface casing and subsequent casing strings shall be inspected to detect transverse and longitudinal defects, determine wall thickness, pipe eccentricity and grade uniformity, and include a thread check of all exposed threads. Casing inspection reports shall be maintained and made available to the United States Geological Survey upon request.

For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, protective, and production casing. These casing strings shall be run and cemented prior to drilling below the specified setting depths, subject to approved variations to permit the casing to be set in a competent bed. All depths refer to true vertical depth (TVD) below the ocean floor. Setting depths of all casing, except drive or structural, may have a tolerance of ±25 feet (±7.6 metres). Determination of proper casing setting depths shall be based upon all relevant geogolical and engineering factors including the presence or absence of hydrocarbons. Formation fracture gradients, formation pressures, water depths, and zones of lost circulation or of other unusual characteristics shall be taken into account in the design of the well-casing program.

A. *Drive or Structural Casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 100 feet (30.5 metres) below the ocean floor to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled or jetted, the drilling fluid shall be of a type that is in compliance with the liquid disposal requirements of OCS Order No. 7.

B. *Conductor Casing.* This casing shall be set at a minimum depth of 300 feet (91.4 metres) or a maximum depth of 500 feet (152.4 metres) below the ocean floor; provided, however, the conductor casing shall be set before drilling into shallow formations known to contain oil or gas or, if unknown, upon encountering such formations.

C. *Surface Casing.* This casing shall be set at a minimum depth of 1,000 feet (304.8 metres) or a maximum depth of 1,200 feet (365.8 metres) below the ocean floor, but may be set as deep as 1,500 feet (457.2 metres) in the event the conductor casing is set at least 450 feet (137.2 metres) below the ocean floor.

D. *Intermediate Casing.* This casing shall be set before drilling below the setting depths specified in the following table:

Proposed total depth of well or proposed depth of first full string of protective casing (TVD in feet (meters) below ocean floor)	Setting depths for intermediate casing (TVD in feet (meters) below ocean floor)	
	Minimum	Maximum [1]
0 to 3,500 (1,066.8)	None required	
3,500 (1,066.8) to 4,500 (1,371.6)	[2] 1,500 (457.2)	[2] 3,500 (1,066.8)
4,500 (1,371.6) to 6,000 (1,828.8)	1,750 (533.4)	3,500 (1,066.8)
6,000 (1,828.8) to 9,000 (2,743.2)	2,250 (685.8)	3,500 (1,066.8)
9,000 (2,743.2) to 11,000 (3,352.8)	2,750 (838.2)	3,500 (1,066.8)
11,000 (3,352.8) to 13,000 (3,962.4)	3,250 (990.6)	3,500 (1,066.8)
13,000 (3,962.4) and below	3,450 (1,051.6)	3,550 (1,082.0)

[1] If as much as 1,500 ft (457.2 m) of surface casing is set, intermediate casing may be set as deep as 4,500 ft (1,371.6 m) below the ocean floor.
[2] No intermediate casing is required if as much as 1,500 ft (457.2 m) of surface casing is set.

E. *Protective Casing.* This casing shall be set at any time when drilling below the surface or intermediate casing as dictated by well conditions. If a liner is used as a protective string, the lap shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The liner shall have a minimum lap length of 100 feet (30.5 metres). Test results shall be recorded on the driller's log. The operator shall notify the District Engineer when the test is to be conducted so that a Geological Survey representative may witness the test.

F. *Production Casing.* This casing shall be set before completing the well for production. When a blank or combination liner is run as production casing and the lap is cemented, the testing of the lap between the liner top and next larger string shall be conducted as specified for protective liners. The surface casing shall never be used as production casing.

G. *Casing Cementing.* The drive or structural casing, if drilled, and the conductor and surface casing annuli shall be filled with cement to the ocean floor. To facilitate casing removal upon well abandonment, the cement may be washed out of the annuli to a depth of 40 feet (12.2 metres) below the ocean floor. The intermediate casing shall be cemented to fill the annular space from the casing shoe to a minimum of 200 feet (61.0 metres) into the next larger string casing. The protective and production casing shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons and abnormal pressure intervals. Sufficient cement shall be used to provide annular fillup a minimum of 500 feet (152.4 metres) above the zones to be isolated or 500 feet (152.4 metres) above the casing shoe in cases where zonal coverage is not required.

When there are indications of improper cementing such as lost returns, cement channeling or mechanical failure of equipment, temperature or cement bond surveys shall be run before continuing operations to aid in determining if all zones containing hydrocarbons and/or abnormal pressures are isolated. If a survey indicates that an annular space is not adequately cemented, the operator, with prior approval of the District Engineer, shall recement in such a manner as to fill the necessary annular space and isolate the appropriate zones. Another survey shall then be run to aid in determining the adequacy of recementing.

After cementing any of the above casing strings, drilling shall not be commenced until after a time lapse of a minimum of eight hours under pressure for the conductor casings strings and twelve hours under pressure for all other casing strings; provided that sufficient time has elapsed for the bottom 500 feet (152.4 metres) of annular cement fill or the total length of annular cement fill, if less, to attain a compressive strength of at least 500 pounds per square inch (35.2 Kg/cm²). The typical performance data for the particular cement mix used in the well shall be employed in calculating the time to reach minimum compressive strength.

Cement is considered to be "under pressure" if an acceptable means of holding pressure is used or if one or more float valves are employed to hold the cement in place.

H. *Pressure Testing of Casing.* After cementing and before drilling below the shoe, all casing strings, except the drive or structural casing, shall be pressure tested over the interval from the cement collar to the casing head to the minimum pressure shown in the table below. The minimum internal yield pressure of the casing shall equal or exceed the test pressure. If the pressure declines more than 10 percent in 30 minutes, or if there are other indications of a leak, corrected measures must be taken until a satisfactory test is obtained. All pressure tests shall be recorded on the driller's log. The operator shall notify the District Engineer when such tests are to be conducted so that a Geological Survey representative may witness the test.

Casing string:	*Minimum surface pressure (lb/in²)*
Conductor	200 lb/in² (14.06 Kg/cm²).
Surface	1,000 lb/in² (70.30 Kg/cm²).
Intermediate	1,500 lb/in² (105.5 Kg/cm²) or 0.2 lb/in²/ft. (0.046 Kg/cm²/meter), whichever is greater.
Protective	1,500 lb/in² (105.5 Kg/cm²) or 0.2 lb/in²/ft (0.046 Kg/cm²/meter), whichever is greater.
Casing string:	
Liner	1,500 lb/in² (105.5 Kg/cm²) or 0.2 lb/in²/ft (0.046 Kg/cm²/meter), whichever is greater.
Production	1,500 lb/in² (105.5 Kg/cm²) or 0.2 lb/in²) or 0.2 lb/in²/ft (0.046 Kg/cm²/meter), whichever is greater.

2. *Blowout Prevention Requirements.* Blowout preventers and related well control equipment shall be installed, used, and tested in a manner necessary to insure well control. A fail-safe design shall be incorporated into the blowout-prevention system and shall include dual control systems and fail-safe valving on critical lines and outlets. In addition, for subsea blowout-preventer stacks, a subsea accumulator system is required to provide fast closure of the preventers and for cycling all critical functions in case of loss of connection to the surface. Prior to drilling below the drive or structural casing, blowout-prevention equipment shall be installed and maintained ready for use while drilling; however, the diverter and marine riser may be removed to install and cement casing until such time as the diverter system is replaced by the blowout-preventer equipment as required in paragraph 2D. Prior to the removal of the marine riser for installing casing, it shall be displaced with sea water and a determination made that sufficient hydrostatic head exists within the well bore to maintain a safe well condition. If repair or replacement of the blowout-preventer stack is necessary after installation as required in paragraph 2D or 2E, this work will be accomplished after casing has been cemented prior to drilling out the shoe or by setting a cement or bridge plug to insure safe well conditions.

A. *General Requirements.*

(1) *Blowout-Preventer Equipment.* Blowout-prevention equipment shall consist of

an annular and the specified number of ram-type preventers, one of which shall contain a blind ram. Subsea blowout-preventer stacks used with floating drilling vessels shall be equipped with blind-shear rams. The pipe rams shall be of proper size to fit the pipe in use. The working pressure of any blowout preventer shall exceed the maximum anticipated surface pressure to which it may be subjected. Information submitted with the Application for Permit to Drill shall include the maximum anticipated surface pressure and the criteria used to determine this pressure.

All blowout prevention systems shall be equipped with:

(a) A hydraulic actuating system that provides sufficient accumulator capacity to close all blowout-prevention equipment units with a 50 percent operating fluid reserve at 1,200 psi (81.6 atms). A high pressure nitrogen or accumulator back-up system shall be provided with sufficient capacity to close all blowout preventers and hold them closed. Locking devices shall be provided on the ramtype preventers.

(b) An operable remote blowout-preventer-control station shall be provided, in addition to the one on the drilling floor.

(c) A drilling spool with side outlets, if side outlets are not provided in the blowout-preventer body, shall be installed to provide for a kill line and choke manifold.

(d) A kill line with a master valve located next to the well. This valve shall not be used for normal opening or closing on flowing fluids. The kill line shall have at least one control valve in addition to the master valve.

(e) A choke manifold equipped with a hydraulic control valve, a master valve, three adjustable chokes of which one shall be a hydraulic adjustable choke, and an accurate pressure gauge. The choke manifold outlets shall be connected in such a manner that the well fluids may be directed to production facilities or emergency storage.

(f) A fill-up line.

(g) All valves, pipes, and fittings that can be exposed to pressure from the well bore shall be of a pressure rating at least equal to that of the blowout-prevention equipment.

(2) *Auxiliary Equipment.*

The following auxiliary equipment shall also be provided:

(a) A top kelly cock shall be installed below the swivel, and an essentially full-opening kelly cock of such design that it can be run through blowout preventers shall be installed at the bottom of the kelly.

(b) An inside blowout preventer and an essentially full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. Such valves shall be maintained on the rig floor to fit all connections that are in the drill string. A safety valve shall be available on the rig floor asembled with the proper connection to fit the casing string that is being run in the hole at the time.

B. *Drive Pipe or Structural Casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventer or pressure-rotating, pack-off-type head and related equipment shall be installed for circulating the drilling fluid to the drilling structure or vessel. When the blowout-preventer system is on the ocean floor, the choke and kill lines or equivalent vent lines, equipped with necessary connections and fittings, shall be used for diversion. An annular preventer or pressure-rotating, pack-off-type head, equipped with suitable diversion lines as described above and installed on top of the marine riser, may be utilized for diversion. The diverter system shall provide as a minimum the equivalent of two 6-inch (15.2 cm.) internal diameter lines and full-opening valves to permit the full diversion of hydrocarbons.

The diverter system shall be equipped with automatic, remotely controlled valves which open, prior to shutting in the well. Lines venting in different directions to accomplish downwind diversion shall be provided. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9–331C) to the District Engineer for approval.

In drilling operations where a floating drill ship or semi-submersible type of drilling vessel is used and/or where the placement of the initial structural casing is not operationally feasible to provide adequate formation competence to subsequently safely contain shallow hydrocarbons or other fluids while drilling conductor hole, a program which provides for rig and personnel protection and safety in these operations shall be described and submitted to the District Engineer for approval. This program shall include all known pertinent and relevant information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, schematic diagram from rotary table to proposed conductor casing seat, and contingency plan for moving off location.

At all exploratory well locations, seismic data shall be obtained to determine the presence of absence of shallow geologic hazards or hydrocarbons. All seismic data shall be made available to the District Engineer, and an analysis of the geologic hazards shall be furnished with the Application for Permit to Drill.

C. *Conductor Casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventer, a diverter system as described in paragraph 2B above, and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed.

D. *Surface Casing.* Before drilling below this string, the blowout-prevention equipment shall include a minimum of four remotely controlled, hydraulically operated blowout preventers, including two equipped with pipe rams, one with blind rams, and one annular-type blowout preventer. Subsea blowout-preventer stacks used with floating drilling vessels shall be equipped with blind-shear rams.

E. *Testing, Inspection and Operation.*

(1) *Pressure Tests.* Ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the stack assembly, or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of these pressure requirements. All preventers shall first be tested at a low pressure of 200 to 300 psi (14.1 to 21.1 Kg/cm^2). These tests shall be performed when the equipment is installed, before drilling out after each string of casing is set, not less than once each week while conducting drilling operations, and following repairs that require disconnecting a pressure seal in the assembly.

The operator shall notify the District Engineer when initial pressure testing of the blowout prevention equipment that is installed on each string of casing is to be conducted, so that a Geological Survey representative may witness the test.

(2) *Actuation Tests.* While drill pipe is in use, pipe-ram-type blowout preventers shall be actuated at least once a day to test proper functioning. Blind rams shall be actuated on each trip. Each control station shall be tested for operation each time the pipe is out of the hole but not more than once each day. Each control system shall alternately be tested to insure proper functioning. If either system is not functional, further drilling operations shall be suspended until that system becomes operable. The annular-type blowout preventers shall be actuated on the drill pipe at least once each week. The blowout-preventer control-manifolds and accumulator system shall be checked for proper operation during the daily closure tests. Any necessary equipment repair and replacement of control panel indicator lights shall be accomplished immediately. All choke manifold valves, kelly cocks, and drill pipe safety valves shall be operated daily. Operational tests of blowout-prevention equipment shall be at staggered intervals, to allow each crew to operate the equipment.

(3) *Inspection and Maintenance.* All blowout-prevention system and marine risers and associated equipment shall be inspected and maintained in accordance with the manufacturer's recommended procedures. The blowout preventers shall be visually inspected during each trip and in no event less than once each day. Inspection of subsea installations may be accomplished by the use of television equipment.

(4) *Drills.* All drilling personnel shall be indoctrinated in blowout-prevention procedures and be familiar with the blowout-prevention equipment before starting work on the well. A blowout prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are trained properly to carry out emergency duties. These drills shall be performed during various drilling operations, such as drilling, running and pulling the drill string, and when out of the hole. All blowout-preventer tests and crew drills shall be recorded on the driller's log. The operator shall furnish current schedules of drills to the District Engineer so that a Geological Survey representative may witness any drill. Such a drill may be required by a Geological Survey representative at any time during the drilling operation.

The drill shall include, as a minimum, (1) sounding of a warning signal, sometimes actuated by pit-level indicator or other automatic device; (2) withdrawing the kelly; (3) stopping the pump; (4) observing flow of mud from well; and (5) closing the well by operation of the blowout preventers.

3. *Mud Program—General.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as to insure the safe drilling of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at drilling operation sites at all times while drilling operations are being conducted.

A. *Mud Control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, or proper documentation in the driller's log prior to pulling the drill pipe that: (1) there was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole, (2) the weight of the returning mud is not less than the weight of the mud entering the hole, and (3) other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions. In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with drill pipe, the annulus shall be filled with mud before the mud level drops 100 feet (60.5 metres). A mechanical device for measuring the amount of mud required to fill the hole shall be utilized, and any time there is an

indication of swabbing, or influx of formation fluids, the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned, except on or near bottom, unless well conditions prevent running the drill pipe back to bottom. The mud in the hole shall be circulated or reverse-circulated prior to pulling drill-stem test tools from the hole.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted.

The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. Posted well control procedures based on anticipated well conditions shall be readily available to the driller. Such procedures shall include: (1) the maximum casing pressure before controlling excess pressure by bleeding through the choke, and (2) the requirement that the drill pipe pressure shall be monitored during the bleeding procedure for well control.

An operable degasser shall be installed in the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

B. Mud Quantities. The operator shall stipulate, in the application to drill, the minimum quantities of mud material to be maintained at the drill site for emergency use. This quantity shall not be less than the amount necessary to make a mud volume equal to twice the calculated capacity of the active downhole and surface mud system. In addition, the operator shall maintain an adequate volume of reserve mud in storage. The minimum quantity of weighting material to be maintained at the drill site shall be sufficient to overcome the highest anticipated formation pressure with a mud weight at least seven pounds per cubic foot greater than the weight required to overcome such formation pressure. Drilling operations shall be suspended when the approved minimum quantities of mud material are not maintained.

C. *Mud Monitoring Equipment.* The following mud system monitoring equipment shall be installed (with derrick floor indicators) and used throughout the period of drilling operations after mud returns are established:

(1) A volume totalizing type of recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include a visual and audio warning device.

(2) Mud return indicator to determine when returns have been obtained, or when they occur unintentionally and additionally to determine that returns essentially equal the pump discharge rate.

(3) Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

(4) Continuous mud logging equipment shall be employed on all exploratory drilling operations. Gas detecting equipment shall be utilized to monitor the drilling mud returns on all drilling operations.

(5) Hydrogen sulfide sensing equipment, capable of sensing a minimum of five parts per million of H_2S in air, shall be employed to monitor the air above the drilling mud return line at or near the shaker screen.

D. *Mud Testing, Records, and Reports.* Mud testing equipment shall be maintained on the drilling structure at all times. Mud tests shall be conducted in accordance with procedures outlined in API RP 13B "Recommended Practice for Standard Procedure for Testing Drilling Fluid," February 1974 and Supplment I, January 1975. Such test shall be conducted at least once each tour or more frequently as conditions warrant. All mud test records shall be available to a Geological Survey representative.

(1) Mud test results, including tests on mud held in reserve, shall be recorded on the driller's log and reported to the District Engineer in any required periodic drilling report.

(2) Mud log or continuous formation and hydrocarbon logging records shall be prepared on all exploratory wells, and a copy shall be furnished to the District Engineer. The log shall be a continuous one-sheet graphical representation of the well from the depth at which mud returns are first established to total depth except for wells drilled within proven fields where the logs required are only for the exploratory portion of the holes. It shall include the following information, as a minimum:

(a) Depth
(b) Drilling Rate
(c) Lithology.
(d) Oil and Gas Analysis.
(i) Oil, (ii) Mud Gas, (iii) Cuttings.
(e) Remarks (as applicable).
(i) Description, (ii) Test Results, (iii) Mud Data, (iv) Surveys.

4. *Well Control Surveillance and Training.* A. *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the supervisor shall maintain rig floor surveillance at all times, unless the well is secured with blowout preventers or cement plugs.

B. *Training.* Company and drilling-contractor on-site supervisory personnel shall have completed within the immediately preceding two years a well control training program approved by the Supervisor, which includes:

(1) Abnormal pressure detection methods.
(2) Well control operations, including kicks, lost circulation and trips.

The operator shall additionally require well-control training for drillers in addition to the required weekly blowout prevention drills. Written vertification of compliance with these provisions shall be filed with the District Engineer. As standards for training are developed for all members of the drilling crew, they will be incorporated into this Order. Compliance shall be considered a prerequisite to approval of any drilling operation.

5. *Directional Survey.* A well is considered straight if inclination does not exceed three degrees from the vertical. Inclination surveys shall be obtained on all straight wells at intervals not exceeding 500 feet (152.4 metres) during the normal course of drilling.

A well is considered directional if drilling plans provide for its bottom hole location to be more than 250 feet (76.2 metres) from its surface location or if inclination exceeds three degress from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 500 feet (152.4 metres) during the normal course of drilling and at intervals not exceeding 100 feet (30.5 metres) in all angle change portions of the hole.

Composite directional surveys shall be filed with the District Engineer. The interval shown will be from the bottom of conductor casing, or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys, a correction from true north to Lambert-Grid north shall be made after making the magnetic to true north correction.

6. *Hydrogen Sulfide.* When drilling operations are undertaken to penetrate reservoirs known or expected to contain hydrogen sulfide (H_2S), or, if unknown upon encountering H_2S, the preventive measures and operating practices set forth in GSS–OCS–1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," February 1976, shall be followed.

7. *Critical Operations and Curtailment Plans.* Certain operations performed in drilling are more critical than others with respect to well control, fire, explosion, oil spills, and other discharge or emissions. These operations may occur during drilling, running casing, logging, drill stem testing, well completion, or wireline operations.

Each lessee or operator shall file with the District Engineer for approval a Critical Operations and Curtailment Plan for the lease, which shall contain:

A. A list or description of critical drilling operations that are or are likely to be conducted on the lease. Such list or description shall specify the critical operations to be ceased, limited, or not to be commenced under given circumstances or conditions. The list shall include, but not be limited to, operations such as drilling in close proximity to another producing well; drill-stem testing; running and cementing casing; cutting and recovering casing; logging or wireline operations; well completion operations; and provision for moving drilling vessel off location in an emergency, to reposition vessel on location and reestablish entry into the well.

B. A list or description of circumstances or conditions under which such critical operations shall be curtailed. This list or description shall be developed from all the factors and conditions relating to the conduct of operations on the lease, and shall consider but not necessarily be limited to whether the drilling operations are to be conducted from mobile or fixed platforms; the availability and capability of containment and cleanup equipment; abnormal or unusual characteristics expected to be encountered during drilling operations; spill control system response time; known or anticipated meteorological or oceanographical conditions; availability of personnel and equipment for the particular operation to be conducted; and other factors peculiar to the particular lease under consideration.

C. When any such circumstances or conditions listed or described in the plan occur or other operational limits are encountered, the operator shall notify the District Engineer and shall curtail the critical operations as set forth under A. above. In the conduct of critical operations, full consideration shall be given to pertinent factors such as supply of well-control materials, subsurface conditions, inventory of spill-containment equipment, weather conditions, particular esthetic conditions, fire hazards, available transportation equipment, spill-control response time, and nature of work planned.

D. Any deviation in the plan shall require prior approval by the District Engineer, except in case of an emergency in which event the District Engineer shall be notified as soon as possible.

E. The lessee or operator shall review the plan at least annually. Notification of the review and any amendments or modifications to the plan shall be filed with the District offices.

F. J. SCHAMBECK,
Oil and Gas Supervisor,
Pacific Area.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76–12960 Filed 5–4–76;8:45 am]

Office of the Secretary

JOHN F. ENGLISH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 9, 1976.

Dated: April 15, 1976.

JOHN F. ENGLISH

[FR Doc.76-12974 Filed 5-4-76;8:45 am]

JULIAN R. HAYDEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 30, 1976.

Dated: March 15, 1976.

JULIAN R. HAYDEN

[FR Doc.76-12975 Filed 5-4-76;8:45 am]

HERBERT H. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.

(2) Sold—100 shares Reserve Oil & Gas; Sold—Investment Club, Small amount of Boise Cascade, Colt Industries, Safeguard, Apeco, G.A.F., Atlas, Syntex; Retain—Vipont Chemical 100 shares, Vipont Mining 800 shares, KRM 100 shares.

(3) No change.
(4) No change.

This statement is made as of March 30, 1976.

Dated: March 31, 1976.

HERBERT H. HUNT

[FR Doc.76-12976 Filed 5-4-76;8:45 am]

GREGORY P. PREKEGES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(46) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 30, 1976.

Dated: March 10, 1976.

GREGORY P. PREKEGES.

[FR Doc.76-12977 Filed 5-4-76;8:45 am]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 9, 1976.

Dated: March 9, 1976.

CLIFTON F. ROGERS.

[FR Doc.76-12978 Filed 5-4-76;8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 15, 1976.

Dated: March 16, 1976.

STANLEY M. SWANSON.

[FR Doc.76-12979 Filed 5-4-76;8:45 am]

[Int. FES 76-22]

CORDERO MINE, CAMPBELL COUNTY, WYOMING

Availability of Final Environmental 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 proposed Cordero strip coal mining operation by Sun Oil Company in Campbell County, Wyoming. The final statement assesses the environmental impacts of the lessee's plan for the strip mining of federally owned coal and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal lease Wyoming 8385, Ts. 46 and 47 N., R. 71 W., 6th Prin. Mer.

Comments received on the draft environmental statement (DES 75-65) during the 45-day comment period were considered in the preparation of the final environmental statement and are reproduced in its appendix.

The final environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia 22092; the Converse County Library, 300 Walnut Street, Douglas, Wyoming 82633; the George Amos Memorial Library; 412 South Gillette Avenue, Gillette, Wyoming 82716; the Library of Natrona County, 307 East Second, Casper, Wyoming 82601; and the State Library, State of Wyoming, Supreme Court Building, Cheyenne, Wyoming 82002.

A limited number of copies are available from the United States Geological Survey, National Center, Mailstop 760, Reston, Virginia 22092 and; over the counter only, from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado.

The proposed mining and reclamation plan assessed in this statement was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74-55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming," which was filed with the Council on Environmental Quality on October 18, 1974. Public hearings on the draft of the FES 74-55 statement were held as follows: June 24-25, 1974 at Cheyenne, Wyoming; June 26, 1974 at Casper, Wyoming; and June 27-28, 1974 at Gillette, Wyoming.

Dated: April 30, 1976.

HENRY W. COULTER,
Acting Director.
STANLEY D. DOREMUS,
Deputy Assistant Secretary of Interior.

[FR Doc.76-13098 Filed 5-4-76;8:45 am]

OUTER CONTINENTAL SHELF ADVISORY BOARD—SOUTH ATLANTIC REGION

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The South Atlantic Regional Board will meet during the period 9:00 a.m. to 5:00 p.m., May 25, 1976, in Room 410, U.S. Deparament of the Interior, 148 Cain Street, N.E., Atlanta, Georgia.

The meeting will include a review of the tentative agenda and discussion of possible agenda items for the next national OCS Advisory Board meeting to be

held on June 3, 1976. In addition, a briefing by the Bureau of Land Management on pipelines and briefing by the Coast Guard on their responsibilities in the OCS program will be given.

This meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by May 14 to the South Atlantic Board Chairman:

Dr. James I. Jones,
Special Projects Officer,
Division of State Planning,
660 Apalachele Parkway,
Tallahassee, Florida 32304,
904/488-1115.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th & C Streets, N.W., Washington, D.C.

Dated April 29, 1976.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

[FR Doc.76-13014 Filed 5-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Flue-Cured Tobacco Advisory Committee for an additional period of two years.

This committee represents all segments of the flue-cured tobacco industry. It recommends opening dates and selling schedules for the flue-cured marketing area which aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors.

Membership of the Committee is balanced and consists of 36 representatives of the flue-cured area—20 producers, 8 warehousemen, and 8 buyers.

The Committee shall report to James W. York, Director, Tobacco Division, Agricultural Marketing Service.

Authority for this committee will expire April 28, 1978, unless the Secretary formally determines that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92-463.

Dated: Apri 29, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12994 Filed 5-4-76;8:45 am]

Agricultural Marketing Service

FEDERAL CERTIFICATION OF DRY BEANS

Idaho

Notice is hereby given that effective May 1, 1976 the Idaho Department of Agriculture is cancelling their cooperative agreement with the U.S. Department of Agriculture for the official inspection and certification of dry beans under U.S. Standards. In Idaho there will be (1) no official U.S. Grade certification for beans on Federal/State certificates, (2) no examining or licensing of inspectors by the USDA and (3) no Federal supervision of samplers and graders of beans under the authority of the Agricultural Marketing Act of 1946.

This action by the Idaho Department of Agriculture cancels a Federal/State inspection service for grading dry beans under U.S. Standards that started in 1930.

Official USDA grading service for dry beans will be available in the State of Idaho by Federal inspectors on request to the Denver Field Office of the Grain Division, AMS. Fees assessed for this service will be the usual two hours minimum per inspection request at the inspection point plus the applicable grading fee.

Effective date of cancellation of service: May 1, 1976.

Dated: April 29, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12997 Filed 5-4-76;8:45 am]

GRAIN STANDARDS

Indiana Grain Inspection Point

Statement of considerations. The Titus Grain Inspection, West Lafayette, Indiana, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Titus Grain Inspection has been providing official inspection services for 15 years at West Lafayette, Indiana, as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)).

The Titus Grain Inspection now plans to locate one or more of its licensed grain inspectors at Delphi, Indiana, and has requested that its assignment of inspection points be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Delphi, Indiana, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Titus Grain Inspection to add Delphi, Indiana, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than June 4, 1976. All mamaterials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: April 29, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12995 Filed 5-4-76;8:45 am]

GRAIN STANDARDS

Indiana Grain Inspection Point

Notice is hereby given pursuant to section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on February 23, 1976, there was published in the FEDERAL REGISTER (41 FR 7968) a notice announcing a request by the Schneider Inspection Service, Cedar Lake, Indiana, that its assignment of inspection points be amended to add Winamac, Indiana, as a designated inspection point. Interested persons were given until March 24, 1976, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the February 23, 1976, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of Schneider Inspection Service, Cedar Lake, Indiana, is amended to add Winamac, Indiana, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended, 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective May 5, 1976.

Done in Washington, D.C. on: April 29, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12996 Filed 5-4-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A338]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Leake County, Mississippi, as a result of a tornado February 18, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendations of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later

than June 16, 1976, for physical losses and January 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-12988 Filed 5-4-76;8:45 am]

[Notice of Designation Number A341]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Buncombe County, North Carolina, as a result of heavy rainfall causing severe flooding from a broken earthen dam on February 22, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 2832.3(b) including the recommendation of Governor James E. Holshouser, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than June 21, 1976, for physical losses and January 20, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 76-12989 Filed 5-4-76;8:45 am]

[Notice of Designation Number A340]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Crosby County, Texas, as a result of unseasonably cold weather September 17 through September 30, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than June 16, 1976, for physical losses and January 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-12990 Filed 5-4-76;8:45 am]

Forest Service

CHELAN PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Chelan Planning Unit, Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest, Washington, USDA-FS-R6-FES (Adm)-75-10.

The environmental statement concerns the proposal for allocation of National Forest lands in the Chelan Planning Unit in central Washington. It is proposed to allocate 37,551 acres to additional New Study Areas, allocate 138,319 acres to Scenic Area Classification, allocate 15,750 acres to Management Units, and the remaining 493,546 acres of National Forest land to development and management for the sustained production of commodities and amenities. The proposed allocations are in addition to existing allocations to the Glacier Peak Wilderness and to New Study Areas.

The final environmental statement was transmitted to CEQ on April 28, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.

Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Bldg., Seattle, Washington 98104.

Wenatchee National Forest, 301 Yakima Street, Wenatchee, Washington 98801.

A limited number of single copies are available upon request to Forest Supervisor, Wenatchee National Forest, 301 Yakima Street, P.O. Box 811, Wenatchee, Washington 98801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

APRIL 28, 1976.

[FR Doc.76-12967 Filed 5-4-76;8:45 am]

Soil Conservation Service

NEWMAN WATERSHED PROJECT, CALIFORNIA

Availability of Final 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 final environmental impact statement (EIS) for the Newman Watershed Project, Stanislaus County, California, USDA-SCS-EIS-WS—(ADM)-75-2-(F)-CA.

The EIS concerns a plan for watershed protection and agricultural drainage. The planned works of improvement provide for conservation land treatment, a collection system with 10.1 miles of open-joint pipe and appurtenant structures, and a disposal system consisting of 0.4 mile of closed-joint pipe and 0.9 mile of open channel.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 2828 Chiles Road, Davis, California 95616.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

APRIL 28, 1976.

[FR Doc.76-12968 Filed 5-4-76;8:45 am]

DEPARTMENT OF COMMERCE

[Department organization order 10-1; Transmittal 289]

Office of the Secretary

ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

Department Organization Order Series

APRIL 9, 1976.

This order effective April 9, 1976 supersedes the materials appearing at 37 FR 5401 of March 15, 1972, 40 FR 3235 of January 20, 1975 and 40 FR 36604 of August 21, 1975.

Section 1. Purpose. .01 This order prescribes the scope of authority and the functions of the Assistant Secretary for

Science and Technology (the "Assistant Secretary").

.02 This revision deletes the delegations of authority to develop and promulgate standards and regulations on flammability and household refrigerator safety devices and to determine the need for proceedings on new or amended flammability standards or other regulations; incorporates the substance, slightly reworded, of a prior amendment (subparagraphs 3.01e.1. and 3.01e.2.); adds the authority to set policy guidelines on the issuance of domestic licenses on applications and patents assigned to the United States of America and in the custody of the Secretary of Commerce (subparagraph 3.01e.3.); deletes the function of approving and issuing licenses for use of patents owned or controlled by the Department; and adds the authority to interpret or modify the International System of Units established by the General Conference of Weights and Measures in 1960 (subparagraph 3.01f.).

Section 2. Administrative Designation. The position of Assistant Secretary of Commerce, established by the Act of February 16, 1962, (Public Law 87-405; 15 U.S.C. 1507) shall continue to be designated as the Assistant Secretary for Science and Technology. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

Section 3. Delegation of Authority. 0.1 Pursuant to the authority vested in the Secretary of Commerce by law, the following authorities of the Secretary are hereby delegated to the Assistant Secretary for Science and Technology:

a. Approve regulations established by the Commissioner of Patents and Trademarks for the conduct of proceedings in the Patent and Trademark Office (35 U.S.C. 6);

b. Issue procedural regulations providing for the development and publication of voluntary product standards by the Department of Commerce, pursuant to Chapter 7 of Title 15, United States Code;

c. Issue regulations necessary to implement the provisions of Section 5(d) and 5(e) of the Fair Packaging and Labeling Act (15 U.S.C. 1454 (d-e)), and to make determinations under these sections (1) as to whether the reasonable ability of consumers to make value comparisons has been impaired by undue proliferation of the weights, measures, or quantities in which retail commodities are packaged, (2) as to whether a standard will not be published, and (3) as to the nonobservance of a published standard;

d. Exercise the functions, powers, duties, and authorities of the Secretary of Commerce pursuant to the provisions of the State Technical Services Act of 1965 (15 U.S.C. 1351-1368), as may be required, including reduction of the Department's activities under the Act in the absence of authorized funds;

e. Set policy guidelines on whether and where:

1. To file patent applications and obtain patents thereon in foreign countries for inventions owned by the United States of America and in the custody of the Secretary of Commerce (Executive Order 9865, as amended by Executive Orders 10096 and 10930),

2. To issue licenses under the foreign applications and patents (Executive Order 9865, as amended by Executive Orders 10096 and 10930),

3. To issue domestic licenses on applications and patents assigned to the United States of America and in the custody of the Secretary of Commerce (Chapter 3, Section 301 of Title 5, United States Code); and

f. Interpret or modify for the United States the International System of Units pursuant to Section 4(4) of Public Law 94-168, "The Metric Conversion Act of 1975" and Section 403(a)(3) of Public Law 93-380, "The Education Amendments of 1974" (20 U.S.C. 1862(a)(3)).

.02 The Assistant Secretary for Science and Technology may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may delegate authorities except for the authority to issue or approve regulations, and except that redelegation of other authorities in subparagraphs c. and d. of paragraph .01 above shall be limited to the Deputy Assistant Secretaries provided herein.

Section 4. Functions. .01 The Assistant Secretary shall exercise policy direction and general supervision over the National Bureau of Standards, the Patent and Trademark Office, the National Technical Information Service, and the Office of Telecommunications. The Assistant Secretary shall exercise direct supervision over the Office of Product Standards.

.02 The Assistant Secretary shall also serve as the principal advisor to the Secretary on scientific and technological matters involving the physical and natural sciences (hereafter called "science and technology").

In this capacity, the Assistant Secretary shall have the following functions:

a. Advise the Secretary and other Commerce officials on important questions and problems in science and technology.

b. Review, evaluate, and coordinate research and development programs of operating units involving science and technology.

c. Develop and assist in the initiation and implementation of new research and development programs in science and technology in furtherance of the Department's objectives.

d. Provide overall review of plans, procedures and actions within the Department for complying with the National Environmental Policy Act; exercise primary responsibility for the submission of statements and comments required of the Department under the provision of this Act; and otherwise provide coordination and guidance in bringing about optimum contribution by Department programs to the solution of national problems of environmental quality.

e. Represent the Department on the Federal Council for Science and Technology.

f. Coordinate efforts within the Department to stimulate research and development activities in the private sector, including industry universities and nonprofit organizations, that involve science and technology and are relevant to the objectives of Commerce programs. Where appropriate, sponsor such activities.

g. Serve as a general point of contact and communication for Commerce with the scientific and engineering communities, both national and international.

h. Assure the coordination of Commerce's activities in sceince and technology with other applicable Federal programs.

i. Take actions, with respect to Commerce patent policy for contracts and grants, as assigned in Department Administrative Order 208-14.

j. Take such appropriate actions as are incident to the exercise of the specific authorities delegated in paragraph 3.01 of this order.

Section 5. Office of the Assistant Secretary for Science and Technology. The Assistant Secretary for Science and Technology shall be principally assisted by the following officials who shall have the responsibilities herein indicated.

a. The *Deputy Assistant Secretary for Science and Technology* shall be the overall assistant to the Assistant Secretary and shall assume full responsibility for carrying out the functions of the Assistant Secretary during the latter's absence.

b. The *Deputy Assistant Secretary for Environmental Affairs* shall be the principal assistant to the Assistant Secretary on environmental quality matters and as such shall be the head of the *Office of Environmental Affairs*, which shall carry out the following functions:

1. Provide coordination and guidance in bringing about optimum contribution by Commerce programs to the solution of national problems of environmental quality.

2. Serve as the Department's principal point of contact with the Council on Environmental Quality and with other organizations, public and private, on environmental matters of concern to the Department as a whole.

3. Review proposed Federal environmental standards which significantly affect American business, and prepare comments or papers to assist in formulation of the Department's position on such proposals.

4. Review plans, procedures and actions within the Department for complying with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and related Executive Orders 11514, as amended, and 11752.

5. With the assistance of affected operating units, analyze the combined environmental and economic impact of actions proposed by other agencies in

statements required by Section 102(2)(C) of the Act and referred to Commerce for comment; assist in formulation of the Department's position on these actions; and prepare statements required by Section 102(2)(C) for Commerce programs.

c. The *Deputy Assistant Secretary for Product Standards* is the Director of the Office of Product Standards (see DOO 30-6, formerly DO 16).

Section 6. Effect on other orders. This order supersedes Department Organization Order 10-1 of February 1, 1972, as amended.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-13100 Filed 5-4-76;8:45am]

[Department Organization Order 30-7A; Transmittal 290]

NATIONAL TECHNICAL INFORMATION SERVICE

Department Organization Order Series

APRIL 9, 1976.

This order effective April 9, 1976 supersedes the materials appearing at 35 FR 14475 of September 15, 1970, and 40 FR 3225 of January 20, 1975.

Section 1. Purpose. .01 This order continues the National Technical Information Service as a primary operating unit of the Department.

.02 This revision incorporates the provisions of a previous amendment (subparagraphs 3.01a., b., and c. and 4.h. and j.), and permits the National Technical Information Service to issue domestic licenses on patent applications and patents assigned to the United States of America and in the custody of the Secretary of Commerce (subparagraph 4.i.).

Section 2. General. The National Technical Information Service (the "NTIS") established by the Secretary on September 2, 1970, is continued as a primary operating unit of the Department. It shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Science and Technology. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

Section 3. Delegation of Authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority of the Secretary under:

a. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information.

b. Executive Order 9865, as amended by Section 5 of Executive Order 10096 and by Executive Order 10930, to the extent that this authority is not reserved to the Assistant Secretary for Science and Technology in Department Organization Order 10-1.

c. Other authorities that are applicable for performing the functions assigned in this order.

.02 The Director may redelegate his authority to any employee of the NTIS subject to such conditions in the exercise of such authority as he may prescribe.

Section 4. Functions. The NTIS shall perform the following functions:

a. As deemed necessary and desirable for making the results of technological research and development more readily available, search for, collect, classify, coordinate, integrate, record, and catalog scientific, technical, and engineering information from whatever sources, foreign and domestic, that may be available;

b. Make collected information available to business and industry, to Federal agencies, to State and local governments, and to the general public, through the preparation of abstracts, digests, translation, bibliographies, indexes, and microforms and other reproductions, for distribution either directly or by utilization of business, trade, technical, and scientific publications and services;

c. As will assist operating units in the effective dissemination of business and statistical information produced by them, acquire, abstract, index, announce and, as appropriate, distribute such information to business, industry, Federal agencies, State and local governments, and the general public;

d. Explore and develop new means for making the results of technological research and development and business information more readily available to business, industry, Federal agencies, State and local governments, and the general public;

e. Explore and develop, with the commercial information industry of the United States, ways in which that industry can contribute to the useful and efficient dissemination of information products handled by the NTIS;

f. Provide a mechanism for the distribution of the outputs of specialized documentation centers and information analysis centers, as desired by such centers;

g. As necessary in the performance of the above functions, perform other functions authorized by Chapter 23 (Dissemination of Technical and Engineering Information), Title 15 of United States Code;

h. File patent applications and obtain patents thereon in foreign countries for inventions owned by the United States of America and in the custody of the Secretary of Commerce and issue licenses under the foreign applications and patents;

i. Issue domestic licenses on patent applications and patents assigned to the United States of America and in the custody of the Secretary of Commerce; and

j. Provide liaison and coordination with the Committee on Government Patent Policy of the Federal Council for Science and Technology, furnish executive secretariat support to the Committee, advise the Assistant Secretary for Science and Technology on Committee matters, and assist in the development and formulation of a uniform Government-wide patent policy.

Section 5. Support services. The National Bureau of Standards shall provide payroll and other administrative support services to the NTIS, except that the Assistant Secretary for Administration, in consultation with the Assistant Secretary for Science and Technology, may approve or institute other arrangements for the provisions of these services as he determines to be desirable.

JOSEPH E. KASPUTYS,
Assistant Secretary, for Administration.

[FR Doc.76-13104 Filed 5-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Center for Disease Control announces the renewal by the Secretary, Department of Health, Education, and Welfare, on April 7, 1976, with concurrence by the Office of Management and Budget Committee Secretariat, of the Immunization Practices Advisory Committee.

Authority for this committee will expire April 1, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 22, 1976.

H. BRUCE DULL,
Acting Director, Center for Disease Control.

[FR Doc.76-13008 Filed 5-4-76;8:45 am]

Food and Drug Administration

[Docket No. 75N-0338]

ALCOHOLIC BEVERAGES

Availability of Labeling Manual

The Commission of Foods and Drugs announced, in the FEDERAL REGISTER of November 24, 1975 (40 FR 54455), that the labeling requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including the requirement of ingredient listing, would be enforced with respect to alcoholic beverages after January 1, 1977. Subsequently, the Food and Drug Administration (FDA) has received numerous inquiries from the alcoholic beverage industry, consumers, and other interested parties, concerning the need and authority for requiring such labeling and the technical details involved in complying with the requirements.

This notice announces that a manual explaining the labeling requirements for alcoholic beverages under the Federal Food, Drug, and Cosmetic Act is now available from:

Industry Guidance Branch (HFF-342), Attn: Alcoholic Beverage Labeling Manual, Bureau of Foods, U.S. Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204.

FDA welcomes suggestions from any interested person concerning possible re-

visions of or corrections to the manual to make it more helpful to those interested in the labeling requirements for alcoholic beverages under the Federal Food, Drug, and Cosmetic Act. All such correspondence should be addressed to:

Division of Regulatory Guidance (HFF-310), Attn: Alcoholic Beverage Labeling Requirements, Bureau of Foods, U.S. Food and Drug Administration, 200 C St., SW., Washington, DC 20204.

Dated: April 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-12878 Filed 5-4-76;8:45 am]

Health Resources Administration

FEDERAL HOSPITAL COUNCIL

Charter Amendment

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, (5 U.S.C. Appendix I) the Health Resources Administration announces the approval of the charter amendment by the Secretary, HEW, on the following Council on April 20, 1976:

Designation: Federal Hospital Council.

Purpose: The Council will advise the Secretary and the Administrator, Health Resources Administration (HRA), concerning matters relating to the administration of the Hospital and Medical Facilities Survey and Construction Program. It will consider appeals from States whose State plan (or modification) has been disapproved by the Administrator, HRA, and approve regulations for the administration of the Hospital and Medical Facilities Survey and Construction Act prior to promulgation by the Administrator, HRA, and the Secretary. In addition, the Council will advise and assist the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. Further, it will consider and advise the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122 (d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Dated: April 29, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-12987 Filed 5-4-76;8:45 am]

National Institute of Education

BASIC SKILLS GRANTS PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, 20 USC 1221e, applications are being accepted for grants under the Basic Skills Grants Program.

Applications must be received by the National Institute of Education, Proposal Clearinghouse, on or before June 24, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: NIE PA-76-3. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) It is received at the Clearinghouse by 5:00 p.m., June 24, 1976; or

(2) The application was sent by registered or certified mail not later than 5:00 p.m. on June 21, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

B. *Hand delivered applications.* An application to be hand delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street, N.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 5:00 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays. Hand-delivered applications will not be accepted after 5:00 p.m. on the closing date June 24, 1976. A receipt will be issued upon acceptance of the application package.

C. *Program information and forms.* Program announcements may be obtained from the Basic Skills Group, National Institute of Education, Room 819, 1200 19th Street, N.W., Washington, D.C. 20208, Telephone 202-254-6000.

D. *Applicable regulations.* The regulations applicable to this Program include the National Institute of Education General Provisions Regulations (45 CFR Subchapter A) published in the FEDERAL REGISTER on November 4, 1974 at (39 FR 38992) and regulations for the Basic Skills Grants Program which are published in proposed form in this issue of the FEDERAL REGISTER (20 USC 1221e).

(Catalog of Federal Domestic Assistance Number 13.575., Educational Research and Development)

Dated: April 30, 1976.

E. ELLIOTT,
Acting Director, National Institute of Education.

[FR Doc.76-13059 Filed 5-4-76;8:45 am]

EDUCATION AND WORK GRANTS PROGRAM

Closing Date for Receipt of Applications

Notive is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, 20 USC 1221e, applications are being accepted for grants under the Education and Work Grants Program.

Applications must be received by the National Institute of Education, Proposal Clearinghouse, on or before July 9, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: NIE PA-76-2. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) It is received at the Clearinghouse by 5:00 p.m., July 9, 1976; or

(2) The application was sent by registered or certified mail not later than 5:00 p.m. on July 9, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

B. *Hand delivered applications.* An application to be hand delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street, N.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 5:00 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays. Hand delivered applications will not be accepted after 5:00 p.m. on the closing date July 9, 1976. A receipt will be issued upon acceptance of the application package.

C. *Program information and forms.* Program announcements may be obtained from the Career Awareness Division, Education and Work Group, National Institute of Education, Room 600, 1200 19th Street, N.W., Washington, D.C. 20208, Telephone 202-254-5470.

D. *Applicable regulations.* The regulations applicable to this program include the National Institute of Education General Provisions Regulations (45 CFR Subchapter A) published in the FEDERAL REGISTER on November 4, 1974 at (39 FR 38992) and regulations for the Education and Work Grants Program which are published in proposed form in this issue of the FEDERAL REGISTER (20 USC 1221e).

(Catalog of Federal Domestic Assistance Number 13.575., Educational Research and Development)

Dated: April 30, 1976.

E. ELLIOTT,
Acting Director, National Institute of Education.

[FR Doc.76-13058 Filed 5-4-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

Notice is hereby given pursuant to Public Law 92-463, 5 U.S.C. Appendix I, of renewal of the Secretary's Advisory Committee on the Rights and Responsibilities of Women for an additional period of two years.

Authority for this committee will expire May 2, 1978, unless the Secretary formally determines that its continuation beyond that date is in the public interest.

Dated: April 28, 1976.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.13054 Filed 5-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Management

[Docket No. N–76–521]

MORTGAGEE HANDBOOK AND RELATED MORTGAGEE LETTER

Availability

Correction

In FR Doc. 76–12680 appearing at page 18131 in the issue of Friday, April 30, 1976 the third line should read "Handbook 4191.1, Administration of In–".

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92–463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800) that on May 20, 1976, at 7:30 p.m., a public information meeting will be held at the Pershing County High School, 1215 Franklin Avenue, Lovelock, Nevada. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed construction of a segment of I–80 from a point some 5.5 miles southwest of Lovelock northeast to Woolsey in Pershing County, Nevada, an undertaking assisted by the Department of Transportation, Federal Highway Administration, as it affects the Lovelock Chinese Settlement Site and the Adobe in Ruddell Ranch Complex, Pershing County, Nevada, properties determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. Explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. Explanation of the undertaking and an evaluation of its effects on the properties by the Department of Transportation, Federal Highway Administration.

III. Statement by the Nevada State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements in furtherance of oral remarks to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225 (303–234–4946).

ROBERT R. GARVEY, Jr.
Executive Director.

[FR Doc.76–13009 Filed 5–4–76;8:45 am]

CIVIL AERONAUTICS BOARD

FEDERAL EXPRESS CORP.

Meeting

Notice is hereby given that a presentation will be made by the Federal Express Corporation on May 12, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., regarding a general review of operations, marketing, and performance of the company.

Dated at Washington, D.C., May 3, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–13213 Filed 5–4–76;8:45 am]

[Order 76–4–171; Docket 29191]

AMERICAN AIRLINES, INC. ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of April, 1976.

By tariff revisions[1] marked to become effective May 1, 1976, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western) propose to increase all fares applicable between mainland U.S. and Hawaii five percent.[2]

In support of their proposal, the carriers allege that the requested fare increase is necessary because of increased costs of airline operations in general, and fuel costs in particular. They note that the last general increase in mainland-Hawaii fares was six percent effective June 1, 1974. While discount fares were increased four percent last November (Order 75–10–73), the carriers claim they cannot confine their proposed increase to discount fares since the differential between regular and promotional fares is already narrow, and a further increase in discount fares alone would adversely affect their salability, particularly vis-a-vis charter rates.

United was the first to file for a fare increase in this market, and the other carriers have generally adopted United's cost justification approach. United updated the Board's calculation of mainland-Hawaii return on investment (ROI) for the year ended June 30, 1975, set forth in Order 75–10–73 which suspended regular fare increases, but permitted a four-percent increase in promotional fares. United has updated the calculation based the Board's fuel price used in Order 76–2–120 approving a 48-state two-percent increase, and the nonfuel costs used in the Board's Hawaii rate of return calculation in 75–10–73. This methodology allegedly produces an adjusted "industry" ROI as of May 15, 1976 of 11.96 percent for the mainland-Hawaii entity with the requested 5 percent general fare increase.

Upon consideration of the tariff filings and all other relevant matters, the Board has concluded that the increases in regular fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposed increased regular fares should be suspended pending investigation. We will, however, permit the proposed increases in discount fares.

We have adjusted the industry's actual mainland-Hawaii financial and operating results for the year ended December 31, 1975 to reflect the Board's Domestic Passenger-Fare Investigation (DPFI) standards, including a load-factor standard of 55 percent. Nevertheless, we would alert the carriers that the Board has decided on a higher load-factor standard than 55 percent in the soon to be decided Hawaii Fares Investigation. However, even using a 55 percent standard, we calculate that the mainland-Hawaii carrier's ROI, based on adjusted results for calendar year 1975, would be 12.8 percent with the five-percent increase required.[3] (See Appendix A.) Therefore, we are unable to conclude that an increase in regular fares is warranted at this time.

As was the case in the carriers' filings last fall, there is no reason to foreclose the proposed increases in discount fares. As has been indicated on a number of occasions, most recently in Order 75–10–73, the very high volume and low yield related to traffic moving on discount fares in this market is clearly at the root of the industry's inability to improve its earnings position. We recognize that competition with charter operations influences the carriers' scheduled service pricing policies, but we will not permit regular fare passengers to be burdened by an uneconomic discount fare structure.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 247.

[2] Except for Northwest, the proposed increased fares apply to travel on and after May 15, 1976. Northwest's proposed increase applies for travel on and after July 1, 1976.

[3] The most significant adjustments in terms of impact on ROI are those related to standard seating (particularly since the carriers use a high proportion of wide-bodied equipment in this market), load factor, and elimination of discount fares. The foregoing adjustments raise the actual ROI of 5.74 percent to 13.29 percent, which drops to 8.48 per cent after annualization of cost increases. The overall inflation factor used in our computations is 6.624 which is somewhat higher than that employed for 48-state operations. The details of the Board's analysis will be available for public inspection in the Public Reference Room on Monday, May 3, 1976.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions:

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including July 29, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A.—*Rate of return on investment, mainland Hawaii, for the 12 months ended Dec. 31, 1975, as adjusted to May 15, 1976*

[In thousands of dollars]

	Actual	Adjusted [1]	Adjusted to May 15 [2]	Col. 3 including 5 pct fare increase
RPM's	10,314,163	9,141,741	9,141,741	8,824,066
ASM's	17,310,129	16,621,347	16,621,347	16,043,756
Load factor (percent)	59.6	55.0	55.0	55.0
Yield (cents per RPM)	4.3297	4.7504	4.7504	4.9949
Passenger revenue	$446,569	$434,273	$434,273	$440,674
Operating revenue	469,396	457,100	457,100	463,501
Capacity expense	303,533	264,165	281,663	271,875
Noncapacity expense	140,296	126,451	134,827	130,300
Total expenses	443,829	390,616	416,490	402,175
Operating profit	25,568	66,484	40,610	61,326
Interest	14,108	12,411	12,411	11,980
Income before tax	11,460	54,073	28,199	49,346
Income tax at 48 percent	5,501	25,955	13,536	23,686
Net income	5,959	28,118	14,663	25,660
Return element	20,067	40,529	27,074	37,640
Investment	346,600	305,018	305,018	294,419
Return on investment (percent)	5.74	13.29	8.88	12.8

[1] Removal of all discount fares (excluding children and military); standard seating; and a 55-percent standard load factor.
[2] Includes col. 2 adjustments plus industry cost factor.

APPENDIX B

TARIFF C.A.B. NO. 258 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

Supplements Nos. 3 and 4, all increases (Except from or to points in Canada) insofar as they would apply to fares for the following fare classes: F, FIN, Y, YW, YX, YIN, KW, KX, and KIN.

On 4th and 5th Revised Pages 61, 62, 63 and 64 all (Except from or to points in Canada) fares for the following fare classes: F, FIN, YW, YX, and YIN.

The suspension of Supplement No. 3 above does not stay the cancellation of Supplement No. 1 therein.

TARIFF C.A.B. NO. 269 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

Supplements Nos. 3, 4 and 5, all increases (Except from or to points in Canada) insofar as they would apply to fares for the following fare classes: F, YW, YX, KW, and KX.

TARIFF C.A.B. NO. 273 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

Supplement No. 4, all increases (Except from or to points in Canada) insofar as they would apply to fares for the following fare classes: F, YW, YX, KW, and KX.

[FR Doc.76-12926 Filed 5-4-76;8:45 am]

[Docket 27573; Agreement C.A.B. 25781; Order No. 76-4-117]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

Correction

In FR Doc. 76-12334, appearing at page 17808, in the issue for Wednesday, April 28, 1976, add the Order Number as set forth above.

[Docket 20421, et al.]

OKLAHOMA-DENVER-SOUTHEAST POINTS INVESTIGATION

Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the *Oklahoma-Denver-Southeast Points Investigation*, Docket 20421, *et al.*, will begin on June 1, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room "A", Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Associate Chief Administrative Law Judge Ross I. Newmann.[1]

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on Decemebr 19, 1975, the Supplemental Prehearing Conference Report served on December 31, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 29, 1976.

[SEAL] ROSS I. NEWMANN,
Associate Chief Administrative Law Judge.

[FR Doc.76-13076 Filed 5-4-76;8:45 am]

[Docket 28837]

PAN AMERICAN WORLD AIRWAYS, INC., PROPOSED GIT FARES (NEW YORK-DALLAS/FT. WORTH-HAWAII)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly Sections 204(a), 403, 404, and 1002 thereof, that the above-entitled proceeding is assigned for hearing on May 20, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether specified group inclusive tour fares proposed by Pan American World Airways, Inc., for transportation of groups of not less than 10 or more passengers between New York-Dallas/Ft. Worth and Honolulu, and rules, regulations and practices affecting such fares and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful.

(2) If found to be unlawful, the fares and provisions, and rules and regulations, or practices affecting such fares and provisions which should be determined and prescribed.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered in the proceeding, the documents filed by the parties, and the Judge's report of prehearing conference served April 15, 1976, all of which are on file with the Docket Section of the Civil Aeronautics Board.

[1] Daily copy of the transcript is not necessary within the meaning of Rule 302.24(k)(2).

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before May 17, 1976, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., April 29, 1976.

[SEAL] RALPH L. WISER,
Administrative Law Judge.

[FR Doc.76-13075 Filed 5-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

ADVISORY COMMITTEE ON FEDERAL CONSOLIDATED FINANCIAL STATEMENTS

Meeting

The first meeting of the Advisory Committee on Federal Consolidated Financial Statements, is scheduled for Tuesday, May 25, 1976, at 9:00 a.m. in Room 4121, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C.

As announced in the Federal Register on February 20, 1976, the Secretary of the Treasury has approved a plan which calls for development and publication of consolidated financial statements for the Government on an accrual basis. There are major conceptual issues which need to be studied and resolved before a useful and reasonably reliable set of consolidated financial statements can be prepared in accordance with generally accepted accounting principles applicable to the Federal Government. Accordingly, the Advisory Committee on Federal Consolidated Financial Statements was formed to advise, recommend and lend vital staff assistance to the Secretary in the development of consolidated financial statements for the Federal Government.

The agenda includes a discussion and determination of administrative details relating to operation of the Committee, and of substantive matters to be considered by the Committee. The members will be requested to address the following conceptual issues:

Format of the Statements
Coverage of the Statements
Pension Fund Liabilities
Valuation of Assets
Depreciation
Contingencies
Allowances for bad debts and losses on loans

It is anticipated that the issues to be discussed will require study and evaluation by the Committee's members prior to subsequent meetings. Any member of the public may comment on the issues by filing a written statement with the Committee, not later than June 30, 1976. All written statements will be considered by the Committee in determining final recommendations. Due to time constraints, no oral presentations will be allowed at this meeting.

The meeting will be open to the public. It is to be held in a room accommodating 52 persons in addition to members of the Committee and Treasury officials. Since the meeting is in a restricted admittance area, persons interested in attending are asked to call Mr. Michael Smokovich on (202) 964-8543 not later than 5 p.m., May 24, so that confirmation of space and access procedures can be provided.

Persons who want to submit written statements or desire further information should write to Mr. Michael Smokovich, Bureau of Government Financial Operations, Government Accounting Systems Staff, Treasury Annex No. 1, Room 412, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226. The minutes of the meeting will be available for public inspection. Copies may be obtained upon written request to Mr. Smokovich.

Date: April 30, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-13105 Filed 5-4-76;8:45 am]

Internal Revenue Service

CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Chief Counsel's Advisory Committee on Rules of Professional Conduct will be held on June 4, 1976, beginning at 9 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. If necessary, the meeting will continue on June 5, 1976 beginning at 9 a.m. in Room 3313. The agenda will include topics concerning the rules of professional conduct governing tax practice with particular emphasis on problems generated by representation of taxpayers by former Internal Revenue Service employees. The Committee will continue to discuss comments received on its Interim Report to the Chief Counsel and, in particular, will focus on the post-employment restrictions, if any, that should be placed on those individuals responsible for drafting Treasury regulations, revenue rulings, and revenue procedures. It will also conclude discussion on other topics not made the subject of the Interim Report.

The meeting will be open to the public. It is to be held in a room accommodating, in addition to members of the Committee, 25 people. Time permitting, after discussion of agenda subjects by Committee Members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Manager in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to the Committee Manager, Chief Counsel's Advisory Committee, Room 3034, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

MEADE WHITAKER,
Chief Counsel.

[FR Doc.76-13254 Filed 5-4-76;8:45 am]

Office of the Secretary

HOLLOW OR CORED CERAMIC BRICK AND TILE, NOT INCLUDING REFRACTORY OR HEAT INSULATING ARTICLES, FROM CANADA

Antidumping

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

Information was received on June 24, 1975, that hollow or cored ceramic brick and tile, not including refractory or heat insulating articles, from Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

For the purpose of this notice the term "hollow or cored ceramic brick and tile" means unglazed hollow ceramic brick, including bond beam units. Such brick ranges from approximately 25 to 40 percent void.

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of January 28, 1976 (41 FR 4037).

DETERMINATION OF SALES AT LESS THAN FAIR VALUES

I hereby determine that, for the reasons stated below, hollow or cored ceramic brick and tile, not including refractory or heat insulating articles, from Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation*

It appears that virtually all of the imports of the subject merchandise from Canada was manufactured by Clayburn Industries, Ltd., Abbotsford, British Columbia, and I-XL Industries, Ltd., Medicine Hat, Alberta. Therefore, the investigation was limited to these two manufacturers.

b. *Basis of Comparison*

For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, is defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related distributors in the United States. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was

used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price*

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31 (b)), pricing information was obtained concerning imports of hollow or cored ceramic brick and tile from Canada during the period January 1 through August 10, 1975, for I–XL Industries, Ltd., and the 5-month period April 1 through August 31, 1975, for Clayburn Industries, Ltd.

In the import transactions, all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price has been calculated on the basis of the packed, f.o.b. plant price to the United States. Deductions have been made for brokerage and duty, as applicable.

d. *Home Market Price*

For the purpose of this determination of sales at less than fair value, the home market price has been calculated on the basis of the packed, f.o.b. plant price to distributors in the case of I–XL and the packed, f.o.b. plant price to contractors in the case of Clayburn. An adjustment has been made for differences in levels of trade with respect to Clayburn, as appropriate, in accordance with section 153.18, Customs Regulations (19 CFR 153.18). The adjustment for levels of trade relates to the difference between prices to contractors and dealers in the Canadian market.

An adjustment for differences in circumstances of sale in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for technical services performed in the home market was claimed by counsel for Clayburn. The adjustment claimed was for certain administrative expenses, such as insurance. These expenses do not bear a direct relationship to the sales under consideration and therefore no adjustment has been allowed. Futher claims for adjustments for technical service expenses, including those for technicians' salaries and fringe benefits, have not been allowed since these expenses are not considered to be directly related to the sales of the subject product. A claim for travel expenses in connection with providing technical services for the merchandise under consideration would have been allowable had proper documentation been provided.

A claim for the limitation of fair value comparisons to transactions involving comparable freight costs was made by counsel for Clayburn. When merchandise is sold at a delivered price, the actual freight costs are deducted in calculating purchase price and home market price. When merchandise is sold f.o.b. plant or factory, as was the case with Clayburn, fair value comparisons are made without regard to freight. This adjustment therefore has not been allowed.

Counsel for Clayburn claimed a larger level-of-trade adjustment based (1) on Clayburn's prices to its Canadian distributors in Alberta, to which no sales were made during the investigative period and (2) on other brick companies' prices to their Canadian customers.

The claim was disallowed since Clayburn's primary consideration in establishing prices to its distributors appears to be the freight costs the distributor incurs rather than the functions it performs. The services offered by Clayburn's distributors vary widely from one distributor to another. The pricing structure of other brick companies selling in Canada was not given consideration because it was determined that a viable home market existed for the purpose of making an adjustment. Consequently, it has been determined that the level-of-trade adjustment already made was adequate. The allowance made was based on Clayburn's prices to its Canadian dealers, to which some sales had been made during the investigative period.

e. *Result of Fair Value Comparison*

Using the above criteria, purchase price was found to be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 90 percent of Clayburn's sales of the subject merchandise to the United States and on approximately 100 percent of I–XL's sales during the respective periods of investigation. Margins were found ranging from less than 1 percent to 184 percent on 94 percent of Clayburn's United States sales which were compared and from 11 to 30 percent on 100 percent of I–XL's sales compared. The weighted average margin on sales at less than fair value was 18 percent for I–XL and 29 percent for Clayburn.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

Dated: April 29, 1976.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.76–12998 Filed 5–4–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50085; FRL 533–3]

DEPARTMENT OF AGRICULTURE

Receipt of Application for Experimental Use Permit To Use DDT on Cotton in Mississippi and Solicitation of Public Views

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Agricultural Research Service of the U.S. Department of Agriculture (hereafter referred to as "USDA") as applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of approximately 250 pounds of DDT and approximately 500 pounds of toxaphene in a DDT/toxaphene formulation on 60 acres of an instrumented watershed at Clarksdale, Mississippi; the permit is requested for evaluation of post-application movement of DDT when applied to cotton. This application for an experimental use permit is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E–401, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received within 15 days after date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP–50085. 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 Monday through Friday.

This document contains a summary of information required by regulation to be included in the notice and does not indicate a decision by this Agency on the application. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH–567), Office of Pesticide Programs, Room E–315, located at the Headquarters address mentioned above. A copy of the application is also available for inspection in the EPA Region IV Office, 1421 Peachtree Street, N.E., Room 112, Atlanta, Georgia 30309.

The USDA states that the objects of the proposed experimental program are:

1. To measure the persistence of DDT residues on cotton and plants and underlying soil and the redistribution due to wash-off, volatilization and plow-down;

2. To measure the rate of post-application volatilization and DDT to the atmosphere;

3. To determine the amount of DDT removed in run-off and sediment and its distribution between them;

4. To measure and the rate of accumulation of DDT residues in the water and sediment of a field pound (at the site of application) receiving runoff and sediment;

5. To determine the accumulation of DDT in the fish and duck populations resident in the field pond; and

6. To measure the long-term degradation rate of DDT, DDE, and DDD in soil after incorporation at plow-down.

In order to obtain maximum information on the environmental impact, advantage must be taken of opportunities to study measurements of air, water, soil, and crop affected by the application of the DDT/toxaphene formulation. The watershed at Clarksdale, Mississippi, includes a four acre pond fully instrumented for measurement of both water and sediment movement, including automatic collection of samples from all hydrologic events. The water-based emulsion formulation will be applied at 1 gallon per acre (2 lbs. DDT plus 4 lbs. toxaphene) to a 60 acre area of cotton located at the north end of the watershed. The first application (about 120 pounds) would be between August 1, and 14, 1976, if needed a second application would be made approximately three (3) weeks later (about 130 pounds). The exact dates would be determined depending on weather, crop maturity, etc.; the first application would be made as soon as possible after closure of the crop canopy, using a High-Boy spray rig. Application would be made by experienced personnel under the supervision of the Agricultural Research Service, USDA. Any surplus formulated DDT would be carefully stored, pending decision on final disposal.

Crop and Soil samples. Both crop and soil would be sampled on the day before application, immediately after application, and subsequently at regularly spaced intervals until plow-down. On each sampling date, a minimum of five (5) whole plants, each from a different site, would be collected for DDT analysis. Soil samples would be taken at each plant site. Crop samples taken from an untreated area downwind from the experimental site would be used for estimates of drift fallout. After plow-down, samples would be taken to a depth of 6 inches for 2 years of 6-month intervals.

Air sampling. Air samples would be collected at three elevations above the crop canopy at three sites within the treated area to characterize DDT vapor profiles. The first 24 hour sampling period would begin as soon as possible after application. Sampling would continue at selected intervals until defoliation. Appropriate meteorological data would be taken to permit calculation of DDT vapor fluxes.

Runoff. Existing watershed instrumentation would be used to measure water discharge, sediment yield, and DDT yield from the treated area for each hydrologic event for 2 years following application. The distribution of DDT between suspended sediment and water would also be determined.

Pond Runoff from the treated watershed enters a small pond. Samples of water and bottom sediments would be taken at least twice yearly for two years after application to measure accumulation in the pond. Measurements of DDT accumulation in fish and ducks resident to the pond would also be made.

Cotton. Samples of harvested lint and seed would be collected from within and outside of the treated area to measure any possible DDT residues.

The USDA states that any complete understanding of the environmental behavior of pesticide chemicals must ultimately rest upon a base of observations and experiments made under field conditions. Laboratory data, which measures behavior under controlled conditions, can only be confidently extrapolated to make large scale predictions if reference data is available from compounds that have been studied in both field and laboratory. For example, at present, field data on volatilization are available for only dieldrin, heptachlor, and trifluralin; field data on less volatile materials, such as DDT, is lacking. DDT was chosen as the "model" chemical for several reasons:

1. It is representative of pesticides in the lower end of the volatility and water solubility range; analysis of the plants and soils will permit measurements of the amount incorporated into the soil.

2. The compound is stable enough chemically to permit determinations of the redistribution in the target area and immediately surrounding environment over several years; and

3. A large body of laboratory scale information already exists on the physical and chemical properties of DDT; the measurements of the three compounds will provide an opportunity to test the validity of proposed methods by which these can be extrapolated to predict the field behavior of other compounds from laboratory studies. The three compounds are the op' and pp' isomers of the DDT as well as the toxaphene that will also be used. The fully instrumented and specially equipped field site at Clarksdale will allow measurements to be made regarding complex meteorological, hydrological, and other aspects of the experiment.

The USDA hopes to establish a data base for model building or other techniques by which projections may be made. It feels that the probable confirmations of present estimates of the environmental problems caused by DDT will be of much value for projections and for assessing the continued impact of DDT residues still remaining from past usage.

Dated April 28, 1976.

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

[FR Doc.76-12964 Filed 5-4-76;8:45 am]

[FRL 533-2; OPP-50112]

ICI UNITED STATES, INC.

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 ICI United States, Inc., Wilmington, Delaware 19897. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 10182-EUP-3) allows the use of 315 pounds A.I. of the insecticide 3-(Phenoxyphenyl) methyl (+)-*cis, trans*-3-(2,2-dichloroethenyl) -2,2-dimethylcyclopropane carboxylate on cotton to evaluate control of boll weevil, bollworm, and tobacco budworm. A total of 125 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Georgia, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from March 31, 1976, to March 31, 1977. This permit is issued with the limitation that all cotton treated will be grown for seed purposes only.

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., S.W., 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: April 28, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-12963 Filed 5-4-76;8:45 am]

[OPP-30110A; FRL 533-4]

PESTICIDE PROGRAMS

Approval of Application To Register Pesticide Product Entailing a Changed Use Pattern

On March 12, 1976, notice was given (41 FR 10710) that Sandoz, Inc., PO Box 1489, Homestead FL 33030, had submitted an application to register the pesticide product Zorial 80WP Cotton Herbicide (EPA File Symbol 11273-RG), containing the active ingredient Norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-m-tolyl)-3(2*H*)-pyridazinone]. As stated in the March 12 notice, Norflurazon has been previously registered for use as an aquatic herbicide in cranberry bogs; the application received from Sandoz, Inc., proposed a change in the use pattern to include terrestrial use on cotton. The application also proposed that the product be classified for general use for controlling weeds in cotton. No comments were received by the Agency in response to this notice of application.

This application has been approved and the product has been assigned the EPA Registration No. 11273-13. Notice of registration is given in accordance with the regulations [40 CFR 162.7(d)(2)] for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.).

Test data and other information submitted in support of this registration as

well as such other scientific information deemed relevant to the registration decision, except for such material protected by Section 10 of FIFRA, will be available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room EB–31, East Tower, 401 M St. SW, Washington DC 20460, by June 4, 1976.

[40 CFR 162.7(f)]

Dated: April 28, 1976.

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

[FR Doc.76–12965 Filed 5–4–76;8:45 am]

[OPP–30117; FRL–533–6]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Tahote Industries, Inc., PO Box 22742, Tampa FL 33622, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product OSDS 100 (EPA File Symbol 38242–R), containing 27.4% of the active ingredient Calcium Lignosulfonic Acid which has not been included in any previously registered pesticide products. The application received from Tahote Industries, Inc., proposes that the product be classified for general use for the control of malodors and ovipositing of insects on poultry and animal manure, garbage dumps, and sewage treatment areas.

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St., SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before June 4, 1976, and should bear a notation indicating the EPA File Symbol 38242–R. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register OSDS 100 will be announced in the FEDERAL REGISTER. The label furnished by Tahote Industries, Inc., as well as 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: April 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–12966 Filed 5–4–76;8:45 am]

[FRL 533—1, Dockets No. 336 et al.]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR OR CHLORDANE

Objections and Request for Hearing

Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq., 1973 Supp.), that a proceeding has been instituted by, in effect, the filing of objections and a request for a hearing by Arbo Products Co., Inc., contesting the denial of the registration under the act of a pesticide product containing chlordane. This proceeding has been consolidated for hearing with 77 other proceedings challenging the Administrator's notice of intent to cancel registrations of pesticide products containing heptachlor or chlordane, dated November 18, 1974 (see 39 F.R. 41298 and 40 F.R. 4186), or the denial, in effect, of applications for registration under the act of pesticide products containing heptachlor or chlordane and intended for shipment in intrastate or interstate commerce.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

APRIL 29, 1976.

[FR Doc.76–12962 Filed 5–4–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP70–191]

ALABAMA-TENNESSEE NATURAL GAS CO.

Petition To Amend Further

APRIL 27, 1976.

Take notice that on February 24, 1976, Alabama-Tennessee Natural Gas Company (Petitioner), P.O. Box 918, Florence, Alabama 35630, filed in Docket No. CP70–191 a petition to amend further the Commission's order, issued April 10, 1970 in said docket (43 FPC 513), as amended February 22, 1971 (45 FPC 323), pursuant to Section 7 of the Natural Gas Act, by authorizing a reduction in the maximum daily delivery obligation contained in the general service sales contract of the City of Sheffield, Alabama, and an increase in the maximum daily delivery obligations of Hardin County Gas Company, Town of Iuka, Mississippi, Lawrence-Colbert Counties Gas District and North Alabama Gas District, all as more fully set forth in the petition to amend further which is on file with the Commission and open to public inspection.

Petitioner proposes to revise the maximum daily delivery obligations of customers as listed below:

[1,000 ft³]

	Previous	Revised	Difference
City of Sheffield, Ala.	6,940	5,940	(1,000)
North Alabama gas district	7,100	7,600	500
Town of Iuka, Miss.	1,035	1,135	100
Hardin County Gas Co.	375	450	75
Lawrence-Colbert Counties gas district	1,100	1,100	100
Total			(225)

Petitioner states that new contracts, dated July 1, 1975, with the City of Sheffield and December 31, 1975, with the other four customers, have been entered into to effect the above changes. It is proposed that the contract with the City of Sheffield be made effective as of July 1, 1975, and that the contracts with the other four be made effective as of January 1, 1976.

The petition indicates that the City of Sheffield is unable to afford the minimum payment under the contract being superseded, which contains a maximum delivery obligation in excess of its peak day requirements, and that, on the other hand, the other four customers have peakday requirements which put them in danger of having to pay overrun penalties under the contracts being superseded. Petitioner states that the proposed changes in the revised agreements do not change the annual or curtailment period quantities of gas available to such customers. Further, Petitioner states that no additional facilities or changes in existing facilities will be required to effectuate the proposed rearrangement of contract volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 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.76–13024 Filed 5–4–76;8:45 am]

[Docket No. ER76-530]

ARIZONA PUBLIC SERVICE CO.

Tender of Notice of Contract Termination and Resubmitted Proposed Rates

APRIL 28, 1976

Take notice that on April 15, 1976, Arizona Public Service Company (APS) tendered for filing copies of a letter dated March 31, 1975, to the City of Wickenburg, Arizona (Wickenburg) purporting to terminate APS's service contract with Wickenburg as of July, 1, 1975, and resubmitted proposed rates for service to Wickenburg to be effective May 16, 1976. By order issued March 31, 1976, the Commission rejected proposed rates for service to Wickenburg without prejudice to their resubmission following proper notice of termination of the contract between APS and Wickenburg pursuant to Section 35.15 of the Regulations. APS states that this filing constitutes proper notice to the Commission and Wickenburg of the termination of the contract.

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 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, 1.10). All such petitions or protests should be filed on or before May 10, 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.76-13035 Filed 5-4-76;8:45 am]

[Docket No. CP7-345]

CITIES SERVICE GAS CO.

Application

APRIL 28, 1976.

Take notice that on April 21, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-345 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 facilities and the sale of natural gas to The Gas Service Company for resale pursuant to the terms of Applicant's right-of-way agreements, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes (1) to tap its Food Machinery & Chemical Corporation 4-inch pipeline in Johnson County, Kansas, and to construct and operate measuring, regulating, and appurtenant facilities at the Austin E. Martin resale mainline domestic meter site, (2) to tap its Cleveland 4-inch pipeline in Pawnee County, Oklahoma, and to construct and operate measuring, regulating, and appurtenant facilities at the Dale McAllister resale mainline domestic meter site, and (3) to tap its Edmond-Drumright 12-inch pipeline in Payne County, Oklahoma, and to construct and operate measuring, regulating, and appurtenant facilities at the Norman Ryker resale mainline domestic meter site. The facilities at each site are estimated to cost $400, which Applicant states would be financed with treasury cash. The peak day and annual sales for each customer are estimated at 3 Mcf and 211 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 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.76-13030 Filed 5-4-76;8:45 am]

[Docket No. ER76-628]

CONNECTICUT VALLEY ELECTRIC COOPERATIVE, INC.

Rate Schedule

APRIL 27, 1976.

Take notice that on April 22, 1976 Connecticut Valley Electric Cooperative, Inc., (Connecticut) tendered for filing annual cost data as required by the provisions of Article V of the transmission agreement between it and New Hampshire Electric Cooperative, Inc. This transmission agreement is designated as Connecticut's Rate Schedule FPC No. 8.

Connecticut states the filing complies with the provisions of the agreement which requires charges to the New Hampshire Electric Cooperative, Inc., shall be modified annually to incorporate the applicable data contained in Connecticut's current FPC Form No. 1. There are no modifications proposed to any portion of the present agreement.

Connecticut requests that this rate schedule become effective on June 1, 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 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, 1.10). All such petitions or protests should be filed on or before May 14, 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.76-13017 Filed 5-4-76;8:45 am]

[Docket No. ID-1781]

DRAKE, FRANCIS E., JR.

Application

APRIL 28, 1976.

Take notice that on April 19, 1976, Francis E. Drake, Jr. (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board, Chief Executive Officer, and Director, Rochester Gas and Electric Corporation, Public Utility.

Director, Empire State Power Resources, Inc., Public Utility.

RG&E is a gas, electric and steam corporation organized and existing under the Transportation Corporations Law of the State of New York. It provides electric service to approximately 261,000 industrial, commercial, and residential customers and gas service to approximately 200,000 customers in an area in northwestern New York State centering about the City of Rochester. Its territory includes the counties of Allegany, Cayuga, Genessee, Livingston, Monroe, Ontario, Orleans, Wayne, and Wyoming.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting

Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and RG&E. (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedue (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13031 Filed 5-4-76;8:45 am]

[Docket No. CP76-342]

EL PASO NATURAL GAS CO.

Application

APRIL 28, 1976.

Take notice that on April 20, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-342 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 facilities and the sale of natural gas to Southern Union Gas Company in Coconino County, Arizona, for resale to Applicant's right-of-way grantor, Ruth Pringle, 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 a tap and valve assembly, with appurtenances, at milepost 265.7 on Applicant's 24-inch San Juan River Plant-To-Franconia Junction pipeline in Coconino County at a cost of $1,100. This cost would be financed with internally generated funds, Applicant states. Applicant estimates peak day and annual natural gas deliveries would be 3 Mcf and 255 Mcf, respectively, and states that the gas would be used for residential purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriation 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.76-13032 Filed 5-4-76;8:45 am]

[Docket No. ER76-397]

GEORGIA POWER CO.

Electric Rates: Clarification

By order issued March 19, 1976 in Docket Nos. ER76-397 and E-9091 the Commission accepted for filing and suspended until March 23, 1976, the effectiveness of, inter alia, Revised Sheet Nos. 24 and 25 to Georgia Power Company's (Georgia Power) FPC Electric Tariff, Original Volume No. 1, tendered on December 29, 1975. Those tariff sheets incorporated Georgia Power's revised fuel adjustment clause and a temporary surcharge for the purpose of collecting alleged deferred fuel costs. By order issued March 29, 1976, in Docket No. ER76-536, the Commission accepted for filing and suspended until May 1, 1976, the effectiveness of proposed changes in Georgia Power's FPC Electric Tariff including substitute Revised Sheet Nos. 24 and 25 which were filed March 1, 1976. These superseding tariff sheets incorporated a revised fuel adjustment clause with a base rate to conform to the proposed general rate increase but did not incorporate a provision for the collection of the temporary fuel surcharge.

On April 1, 1976 Georgia Power filed a Motion for Clarifying or Declaratory Order requesting the Commission to issue an order assuring Georgia Power that it may continue to collect the surcharge subsequent to May 1, 1976, the effective date of the superseding Revised Sheet Nos. 24 and 25 to its FPC Electric Tariff, which were filed on March 1, 1976. In its Motion Georgia Power states it does not read the Commission's March 29, 1976 order in Docket No. ER76-536 as reversing the authorization to collect the temporary surcharge which was permitted by the Commission's March 19, 1976 order in Docket Nos. ER76-397 and E-9091. Georgia Power further states that it intends to continue to collect the surcharge revenues subsequent to the effective date of its superseding tariff sheets.

Upon review of Georgia Power's filings in Docket Nos. ER76-397 and ER76-536 it is concluded that Georgia Power cannot lawfully continue to collect the surcharge revenues on and after May 1, 1976 in the absence of filing a revised tariff sheet reincorporating the fuel cost surcharge provision. It has long been recognized that a utility subject to the jurisdiction of the Federal Power Commission is authorized to charge rates pursuant to the effective rate schedule on file with the Commission.[1] Since the tariff sheets which will become effective May 1, 1976 do not include a provision for the collection of the fuel surcharge, and will specifically supersede the tariff sheets which do include the surcharge, Georgia Power will not have a rate schedule on file with the Commission including the surcharge, and therefore will be precluded from charging the surcharge. In the event Georgia Power wishes to continue to collect revenues associated with the fuel surcharge it is incumbent upon it to tender for filing revised tariff sheets incorporating the provision and to seek waiver of Sections 35.17(b) and 35.3 of the Commission's Regulations Under the Federal Power Act.

The Commission finds: (1) Good cause exists to grant Georgia Power's Motion for Clarifying or Declaratory Order to inform Georgia Power that it may not lawfully collect revenues under the fuel surcharge provision in Revised Sheet No. 24 of its tariff on and after May 1, 1976.

(2) The instant order on clarification should be without prejudice to Georgia Power's filing of revised tariff sheets reincorporating the fuel surcharge provision and seeking waiver of Sections 35.17 (b) and 35.3 of the Commission's Regulations Under the Federal Power Act.

The Commission Orders: (A) Georgia Power's April 1, 1976 Motion for Clarifying or Declaratory Order in this docket

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[1] Montana-Dakota Utility Co. v. Northwestern Public Service Company, 341 U.S. 246 (1951). In the Circuit Court decision the Court stated

"the transmission of the electric energy being at wholesale and interstate, the seller must collect the charge named in the filed rate and the purchaser must pay that rate." 181 F.2d 19, 2223 (8th Cir. 1950).

See also Pennsylvania Railroad Company v. International Coal Company, 230 U.S. 184 (1912); City of Cleveland, Ohio v. F.P.C., ____ F.2d ____ (D.C. Cir. 1975).

is hereby granted to apprise Georgia Power that it may not lawfully collect revenues under the fuel surcharge provision in Revised Sheet No. 24 of its tariff on and after May 1, 1976.

(B) This order on clarification is without prejudice to Georgia Power's filing of revised tariff sheets reincorporating the fuel surcharge provision and seeking waiver of Sections 35.17(b) and 35.3 of the Commission's Regulations Under the Federal Power Act.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

Issued April 28, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13026 Filed 5-4-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Extension of Time

APRIL 28, 1976.

On April 16, 1976, Lawrenceburg Gas Transmission Corporation filed a motion to extend the procedural dates fixed by order issued June 27, 1975, as most recently modified by notice issued March 5, 1976, in the above-designated proceeding. The motion states that Staff Counsel supports the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, May 18, 1976.
Hearing, June 8, 1976 (10:00 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-12027 Filed 5-4-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Extension of Time

APRIL 27, 1976.

On April 8, 1976, the Wisconsin Distributor Group filed a motion to extend the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued January 16, 1976, in the above-designated proceeding on April 14, 1976. FirstMiss, Inc., filed a motion in support of the request for extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, April 30, 1976.
Service of Company Rebuttal, May 14, 1976.
Hearing, June 2, 1976 (10:00 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13025 Filed 5-4-76;8:45 am]

[Docket No. ER76-616]

MISSISSIPPI POWER CO.

Filing of Agreement

APRIL 28, 1976.

Take notice that Mississippi Power Company (MPC) on April 15, 1976, tendered for filing Supplemental Agreement with East Mississippi Electric Power Association (EMEPA) under its FPC Electric Tariff Original Volume No. 1. This agreement establishes a new delivery point with EMEPA at Stonewall on or about July 1, 1976. To effect this new point, MPC and EMEPA has entered into a supplemental agreement under the Company's FPC Electric Tariff Original Volume No. 1 (First Revised Sheet No. 14).

MPC agrees to deliver up to a maximum of 1,700 kilowatts at MPC's 46 KV structure located in the southwest ¼ of the southeast ¼ of Section 10, Township 3 North, Range 15 East, Clarke County, Mississippi.

MPC states that this supplement may not be terminated until July 1, 1981, or until five years after the date the power systems of parties are actually connected, whichever is later.

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 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, 1.10). All such petitions or protests should be filed on or before May 10, 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.76-13033 Filed 5-4-76;8:45 am]

[Docket No. ER76-619]

MISSISSIPPI POWER CO.

Filing of Agreement

APRIL 28, 1976.

Take notice that on April 12, 1974, Mississippi Power Company (Mississippi) tendered for filing Amendments Nos. 6 and 7 to an Interconnection Agreement between Mississippi and South Mississippi Electric Power Association (SMEPA), designated as Mississippi's Rate Schedule FPC No. 108.

Mississippi states the said Amendments provide for revisions to Service Schedule A of Amendment No. 2 for a decrease in the amount of firm power to be purchased by SMEPA for the contract year commencing June 1, 1976, and to include a fuel adjustment clause to conform with the Commission's Order No. 517.

Mississippi requests an effective date of June 1, 1976, for said Amendments.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street 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, 1.10). All such petitions or protests should be filed on or before May 10, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13034 Filed 5-4-76;8:45 am]

[Docket No. CP74-264]

NORTHERN NATURAL GAS CO.

Petition To Amend

APRIL 26, 1976.

Take notice that on April 16, 1976, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-264 a petition to amend the order accompanying Opinion No. 756 issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the construction and operation of a liquefied natural gas (LNG) facility in Hancock County, Iowa, by which petition Petitioner requests authorization to construct and operate facilities to use a liquefaction process other than that heretofore authorized, to eliminate the standby boil-off compressor, and to locate the boil-off compressor within the tank dike area, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner proposes to change from the Air Liquide Process to the Prichard (Prico) Process for the liquefaction facility. Petitioner states that at the time of its initial application for authorization the Prico process was not yet commercially proven, but that three commercial size plants are now in operation using the Prico process. Petitioner notes that it has chosen the Prico process for three principal reasons: The Prico process would reduce the capital cost by an estimated $984,000; major equipment items should have shorter delivery times using the Prico process; and the Prico process is said to be simpler to operate and responds better to rapid ambient temperature changes.

It is noted further that although the Prico process has a capital advantage, it is less efficient than the authorized process. The Prico process is said to require more compressor horsepower than the authorized process:

	Compressor horsepower requirements	
	Prico	Air liquide
Liquefaction	8,744	7,934
Boil-off	730	466
Total	9,474	8,400

The petition states that the increased compressor load would consume an additional 4.2 million KWH of electricity annually at a cost of $58,000 based on rates as of December 16, 1975. However, Petitioner states, even with the increased power cost, the annual cost of service would be significantly less due to the decreased capital cost.

Petitioner proposes to eliminate the stand-by boil-off compressor. Petitioner states that the stand-by boil-off compressor would be operated only when the primary compressor is down for maintenance or repairs. If only the primary compressor is installed for this service, Petitioner states, the boil-off gas will be lost when the compressor is down; and this would occur about seven days a year. Elimination of the stand-by boil-off compressor would reduce capital cost by about an estimated $217,000 and would result in a decreased cost of service, it is said.

Petitioner proposes to relocate the boil-off compressor within the tank dike area. Petitioner states that as a result of its proposed use of the Prico rather than the Air Liquide process the proposed relocation would reduce capital costs by $68,000. The petition notes that this reduction could not be achieved if the compressor used in the Air Liquide process were similarly relocated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 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.76-13022 Filed 5-4-76;8:45 am]

[Docket No. ER76-621]

NORTHERN STATES POWER CO.

Agreement With Kansas City Power & Light Company

APRIL 27, 1976.

Take notice that Northern States Power Company, on April 19, 1976, tendered for filing an Agreement, dated April 6, 1976, with Kansas City Power & Light Company.

The Agreement provides for the purchase of capacity and associated energy by Kansas City Power & Light Company for the period May 1, 1976, through October 31, 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 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, 1.10). All such petitions or protests should be filed on or before May 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13020 Filed 5-4-76;8:45 am]

[Docket No. CI66-176]

SKELLY OIL CO.

Proposed Settlement

APRIL 26, 1976.

Take notice that on March 23, 1976, Skelly Oil Company (Skelly) submitted into evidence as Exhibit No. 1 a proposed settlement agreement between Skelly and Arkansas Louisiana Gas Company (Arkla) providing for the compression of low pressure gas from the Furry No. 1 Well located in the Arkoma Basin, Haskell County, Oklahoma.

These proceedings originally commenced on January 24, 1975, when Skelly filed an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to partially abandon its 12.5 percent interest in natural gas production to Arkla from the Furry No. 1 Well under a contract dated March 30, 1964, (on file as FPC Gas Rate Schedule No. 210), which provided for a rate of 17.25 cents per Mcf. Skelly alleged that the reserve pressure had decreased to the extent that it was no longer economically feasible to continue production. Skelly also alleged in its abandonment application that Arkla's line pressure is currently 525 to 550 psig, and Skelly's wellhead pressure at the Furry Well is only 350 to 360 psig. Therefore, Skelly could not flow its gas into Arkla's system. Skelly noted that pursuant to the 1964 gas purchase contract, either party may install compression facilities to bring the delivered gas up to Arkla's minimum line pressure, but that neither party is obligated to do so. Neither Skelly nor Arkla sought to compress the subject gas, and as a result, Skelly pursuant to a December 18, 1974, agreement with Arkla releasing the subject well from the purchase gas sales agreement, ceased delivery to Arkla on January 1, 1975.

On December 8, 1975, the Commission issued an order setting Skelly's abandonment application for hearing. Pursuant to that order, Skelly filed its prepared direct testimony in support of its abandonment application. Arkla also filed its direct testimony on December 17, 1975, and supplemental direct testimony on January 15, 1976. The Commission Staff also filed its prepared direct testimony on February 26, 1976.

Skelly submitted its proposed settlement of the instant proceedings on March 23, 1976, at a prehearing conference ordered by the Presiding Administrative Law Judge. Under the settlement proposal, Skelly proposes to install and operate compression facilities and to continue the sale of the gas to Arkla at the rate of 19.297 cents per Mcf (the established minimum rate for flowing gas) plus an incremental cost of 33 cents per Mcf for compression, for a total rate of 52.297 cents per Mcf. Skelly computes the 33 cents incremental rate for compression based upon straight line depreciation over a useful life production period. The Commission Staff opposes the proposed settlement on the grounds that the cost of compression should not be computed upon an incremental basis utilizing a straight line method of depreciation. The Staff contends that the cost of compression should be computed under a full cost analysis utilizing a unit of production method of depreciation. Utilizing such methodology Staff arrived at a compression cost of 25.57 cents per Mcf.

Any person, including the parties to this proceeding, may file comments either in support of or in opposition to the proposed settlement should file such comments thirty days from the issuance of this notice. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission.

MARY PEAK,
Acting Secretary.

[FR Doc.76-13016 Filed 5-4-76;8:45 am]

[Docket No. CP76-344]

SOUTHERN NATURAL GAS CO.

Application

APRIL 28, 1976.

Take notice that on April 21, 1976, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-344 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Williams No. A-1 well in the Driscoll Field, Bienville Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell gas at the rate of 61.06 cents per Mcf at 15.025 psia, excluding upward or downward Btu adjustment and including 7.0 cents per Mcf tax reimbursement and 1.02 cents per Mcf for gathering.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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.76-13028 Filed 5-4-76;8:45 am]

[Docket No. ER76-625]

SOUTHWESTERN PUBLIC SERVICE CO.

Filing of Amended Fuel Adjustment Clause and Request to Cancel Rate Schedule

APRIL 28, 1976.

Take notice that on April 15, 1976, Southwestern Public Service Company (Southwestern) tendered for filing an amended fuel cost adjustment clause in accordance with Order No. 517 for the following wholesale electric rate schedules:

Wholesale electric customer:	FPC No.
Bailey County Electric Cooperative, Inc.	59
Central Valley Electric Cooperative, Inc.	60
Deaf Smith Electric Cooperative, Inc.	61
Farmers Electric Cooperative, Inc. of New Mexico	62
Greenbelt Electric Cooperative, Inc.	63
Lamb County Electric Cooperative, Inc.	64
Lighthouse Electric Cooperative, Inc.	65
Lyntegar Electric Cooperative, Inc.	66
Northfork Electric Cooperative, Inc.	67
Roosevelt County Electric Cooperative, Inc	68
South Plains Electric Cooperative, Inc.	69
Swisher Electric Cooperative, Inc.	70
Rita Blanca Cooperative, Inc.	71
North Plains Electric Cooperative, Inc.	72
Tri-County Electric Cooperative, Inc.	73
Cochran Power and Light Co.	74
Community Public Service Co.	75
Lea County Electric Cooperative, Inc.	76

Southwestern states that the proposed fuel adjustment clause is a modification of the present fuel claim to include purchases and to exclude inter-system economy sales. The Company requests an effective date of June 1, 1976.

Southwestern also requested that the Commission cancel FPC Rate Schedule No. 33, Pioneer Cooperative Association.

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 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, 1.10). All such petitions or protests should be filed on or before May 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13029 Filed 5-4-76;8:45 am]

[Docket No. ER76-629]

TAMPA ELECTRIC CO.

Initial Rate Schedule

APRIL 27, 1976.

Take notice that on April 21, 1976 Tampa Electric Company (Tampa) tendered for filing as an Initial Rate Schedule, "Rate Schedule WR-1," The Contract for Electric Service between Tampa and Seminole Electric Cooperative dated April 15, 1976. This contract provides service and rates for service for wholesale sales of electric energy from Tampa to Seminole.

Tampa requests waiver of the notice regulations in order to permit this rate schedule to become effective May 1, 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 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, 1.10). All such petitions or protests should be filed on or before May 14, 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.76-13018 Filed 5-4-76;8:45 am]

[Docket No. RP74-52 (PGA76-2a)]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

APRIL 27, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on April 20, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Substitute Second Revised Sheet Nos. 5 & 6
Substitute Revised Second Revised Sheet Nos. 5 & 6
Alternate Substitute Second Revised Sheet Nos. 5 & 6
Alternate Substitute Revised Second Revised Sheet Nos. 5 & 6
Second Alternate Substitute Second Revised Sheet Nos. 5 & 6
Second Alternate Substitute Revised Second Revised Sheet Nos. 5 & 6

These sheets are issued pursuant to the Commission's order issued March 31, 1976 in the subject docket, accepting for filing and suspending in part Transwestern's lower alternate tariff sheets filed on February 17, 1976. These three alternative sets of substitute sheets are based on various levels of producer costs related to (1) the elimination of Opinion No. 749 producer increases anticipated but not filed by the producers on or before March 31, 1976, (2) the correction of an error in Transwestern's February 17, 1976, filing and (3) the impact on Transwestern of the Commission's staying of Paragraph (E) of Opinion No. 749 by its further Opinion No. 749-A, issued on February 27, 1976, subsequent to Transwestern's February 17, 1976, filing.

The proposed effective date of the above tariff sheets is April 1, 1976. However, Transwestern realizes that the Commission will suspend for one day the higher rates of each of the three alternative sets of tariff sheets based upon costs in excess of Opinion No. 699-H and 742.

Copies of the filing were served upon the company's jurisdictional customers and the 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, 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, 1.10). All such petitions or protests should be filed on or before May 13, 1976. Protests will be considered by the Commission in determin-

ing 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.76-13019 Filed 5-4-76;8:45 am]

[Docket No. CP76-326]

UNITED GAS PIPE LINE CO.

Application

APRIL 28, 1976.

Take notice that on April 6, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-326 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing a transportation service for a two-year term for the Russell Corporation (Russell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement, dated February 17, 1976, whereby Applicant has agreed to transport volumes of natural gas for Russell from a point of receipt on Applicant's Carthage-Sterlington line in Ouachita Parish, Louisiana, to mutually agreeable, existing points of interconnection where Applicant would redeliver volumes so transported for the account of Russell to Transcontinental Gas Pipe Line Corporation (Transco). The application shows the points of interconnection to be near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Plant in Acadia Parish, Louisiana, near Gueydan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; and at Harmony Plant, Clarke County, Mississippi.

It is said that the gas to be transported by Applicant would be purchased from Harvey Broyles et al., from the Tremont Field in Lincoln Parish, Louisiana, and would be consumed for high priority end use at Russell's plant in Alexander City, Alabama. Applicant proposes to transport up to 300 Mcf of gas per day and to redeliver 98.5 percent of such gas to Transco which would, in turn, transport and deliver such gas to Alexander City for the account of Russell. Applicant states that the 1½ percent deduction is an allowance for gas used, lost, and unaccounted for while in Applicant's system.

The application shows that for many years Russell has received its natural gas on a firm contract (Priority 2) and interruptible basis (Priority 3) from Transco through the distributor, Alexander City, and that Russell has purchased the gas to be transported in an effort to offset the loss of its gas supply because of curtailed deliveries by Transco. The gas would be used by Russell for textile finishing.

The application shows the following information submitted by Applicant:

1. Applicant proposes to transport peak day, average day, and annual volumes of 300 Mcf, 250 Mcf, and 90,000 Mcf, respectively.

2. The proposed transportation would have no effect on Applicant's ability to provide systemwide deliveries for its Priority 1 requirements.

3. The initial rate for the transportation service would be 16.87 cents for each Mcf of gas transported.

4. The subject gas was not secured as part of Applicant's system gas supply because the various producers are unwilling to make any sale to interstate purchasers for resale, or be subject to any form of federal regulation as a result of such sales.

5. The transportation of gas proposed would not modify curtailments on Applicant's system during the period of the transportation.

The application shows that from the first delivery through the first contract year, Russell would pay the producers $1.50 per Mcf and, effective on the first day of the second contract year or any subsequent contract year, the price would increase 10.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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.75-13023 Filed 5-4-76;8:45 am]

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Compliance Filing of Rate Schedules to Conform to Settlement Agreements

APRIL 27, 1976.

Take notice that on April 15, 1976 Virginia Electric and Power Company (VEPCO) tendered for filing rate schedules to reflect the terms of the proposed settlement agreements in the above-captioned docket in accordance with ordering paragraph (B) of the Order Accepting and Approving Settlement Agreements issued in this docket on April 12, 1976.

Any person desiring to be heard regarding said filing should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 11, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13021 Filed 5-4-76;8:45 am]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

APRIL 28, 1976.

Public notice is hereby given that an application for change in land rights was filed on February 9, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by Grand River Dam Authority (Correspondence to: Mr. Charles L. Huddleston, General Manager, Grand River Dam Authority, P.O. Drawer G, Venita, Oklahoma 74301) for the Markham Ferry Projcet No. 2183, located on the Grand River, a navigable waterway of the United States, in Mayes and Craig Counties in the vicinity of the City of Pryor, Oklahoma. Grand River Dam Authority (GRDA) proposes to sell a tract of land located within the project boundary in Mayes County, Oklahoma, to the town of Salina, Oklahoma.

The tract consists of less than one acre of land and is located in Indiana Meridian, T. 21 N., R. 20 E., Section 15, Mayes County, Oklahoma. The town of Salina intends to establish a public park and recreation area on the project land to be conveyed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 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 Com-

mission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13042 Filed 5-4-76;8:45 am]

[Docket No. ER76-624]

GULF STATES UTILITIES CO.

Filing

APRIL 28, 1976.

Take notice that on April 19, 1976, Gulf States Utilities Company (Gulf States) tendered a filing stating that service to Southwest Louisiana Electric Membership Corp., FPC Rate Schedule 72, at the Landry Road metering point was discontinued on April 1, 1976.

Gulf States states that the load previously supplied through this point has been transferred to the Ridge Road 69kV meter point.

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 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, 1.10). All such petitions or protests should be filed on or before May 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13038 Filed 5-4-76;8:45 am]

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Tariff Change

APRIL 29, 1976.

Take notice that on April 15, 1976, Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City) tendered for filing proposed tariff changes which increases jurisdictional rates. Inter-City, inter alia, requests a rate base determination and asks for a rate of return on common equity of 16.5%. Inter-City requests a June 1, 1976, effective date.

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 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, 1.10). All such petitions or protests should be filed on or before May 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13045 Filed 5-4-76;8:45 am]

[Docket No. E-9485]

KANSAS GAS & ELECTRIC CO.

Filing of Settlement Agreement

APRIL 29, 1976.

Take notice that on April 22, 1976, Kansas Gas and Electric Company (Kansas Gas) filed a proposed Stipulation and Settlement Agreement.

Kansas Gas states that the proposed Agreement is "in settlement of the instant proceeding". Cost of service and capitalization data were submitted along with proposed tariff sheets in support of the proposed Agreement.

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 May 14, 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.76-13048 Filed 5-4-76;8:45 am]

[Docket No. CP76-343]

MICHIGAN CONSOLIDATED GAS COMPANY—INTERSTATE STORAGE DIVISION

Application

APRIL 28, 1976.

Take notice that on April 20, 1976, Michigan Consolidated Gas Company—Interstate Storage Division (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-343 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to store natural gas for Panhandle Eastern Pipe Line Company (Panhandle) during the 1976-77 storage season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Panhandle would deliver to Applicant Panhandle's customers' gas from May 1 through October 1, 1976, for storage and that Applicant would redeliver equivalent volumes of gas to Panhandle from November 1, 1976, through April 30, 1977, excluding March 1977. Further, Applicant states, any of Panhandle's customers who had gas stored for them during the 1975-76 storage season might elect to have any unredelivered portion of such gas retained by Applicant for the 1976 summer and redelivered during the 1976-77 winter. The amount of gas to be stored, including gas retained in storage from the previous season, would be 6,200,000 Mcf on a firm basis and 2,713,200 Mcf on a best-efforts basis.

The application states that Applicant would receive gas from Panhandle at Applicant's River Rouge Station in Melvindale, Michigan. Redeliveries by Applicant, except during April, would be made to Southeastern Michigan Gas Company (Southeastern) for the account of Panhandle at existing points of interconnection between Applicant and Southeastern. If the volume to be redelivered on any day should be in excess of that which Southeastern could accommodate, the excess would be redelivered by Applicant's causing its supplier, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), to deliver the excess to Panhandle's supplier, Trunkline Gas Company (Trunkline), for Panhandle's account at an existing Michigan Wisconsin-Trunkline interconnection near Elkhart, Indiana. In the event the volumes to be redelivered on any day should be in excess of those which Southeastern and Trunkline jointly could accommodate, then the excess would be redelivered at other points mutually agreeable to Applicant and Panhandle. In April all redeliveries would be by displacement at the River Rouge Station.

Applicant would charge Panhandle 21.94 cents per Mcf of gas, measured at 14.73 psia, delivered for storage, 43.88 cents per Mcf of gas retained in storage from the previous season, and 21.94 cents per Mcf of gas redelivered to Panhandle.

Applicant states that to render the proposed service its proposes to use existing storage, pipeline, and compression facilities for which it is seeking certificate authorization in Docket No. CP76-254. In that proceeding Applicant proposes to render a long-term storage service for Northern Indiana Public Service Company, Northern Natural Gas Company, and Natural Gas Pipeline Company of America.

Applicant submits that the proposed service would assist Panhandle's customers in meeting their market and processing requirements during the winter of 1976-77. Applicant notes that deliveries of gas to said customers are subject to substantial curtailments.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 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.76-13041 Filed 5-4-76;8:45 am]

[Docket No. ER76-627]

MONTAUP ELECTRIC CO.

Initial Rate Filing

APRIL 28, 1976.

Take notice that Montaup Electric Company on April 21, 1976, tendered for filing as an initial rate schedule a contract dated as of January 1, 1976, between itself and the Town of Middleboro (Municipal Gas & Electric Department) for the sale of two megawatts of unit power from Montaup's Somerset No. 6 generating unit. The sale commenced on January 1, 1976, and shall terminate on October 31, 1978, but may be extended, at Middleboro's option, through October 31, 1980.

The capacity charge for the unit power is $2.85 per kw per month and the charge for transmitting the power is $.90 per kw per month.

It is requested that the tendered contract be permitted to become effective January 1, 1976, the date that the unit sale commenced, and that necessary waivers be granted to permit this effective date. Montaup consents, as a condition of the grant of the waivers, to refund any portion of the rate found after hearing to be unjust or unreasonable or otherwise unlawful.

Copies of the filing were served upon Middleboro.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before May 14, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13037 Filed 5-4-76;8:45 am]

[Docket No. CP76-347]

NORTHERN NATURAL GAS CO.

Application

APRIL 28, 1976.

Take notice that on April 23, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-347 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7 (g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing August 1, 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with cash on hand and funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 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.76-13039 Filed 5-4-76;8:45 am]

[Docket No. RP73-48 (PGA76-3)]

NORTHERN NATURAL GAS CO.

Tariff Change

APRIL 28, 1976.

Take notice that Northern Natural Gas Company (Northern) on April 19, 1976 tendered for filing Eleventh Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective May 1, 1976, would increase the rate per Mcf to jurisdictional customers by 8.96¢ per Mcf. Northern states that this change results from revised rates filed by Colorado Interstate on March 24 to become effective May 1, 1976. Northern states that the revised rates of Colorado Interstate reflect the effect of a refund in accordance with the Stipula-

tion and Agreement of Settlement in Docket No. RP74–77 and Purchase Gas Adjustments resulting from Opinion Nos. 749 and 749–A. Northern states that Colorado Interstate is the pipeline supplier to Peoples Division for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility 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, 825 North Capitol Street NE., 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 or protests should be filed on or before May 11, 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.76–13040 Filed 5–4–76;8:45 am]

[Docket No. CP76–328]

NORTHERN STATES POWER CO. (MINNESOTA)

Application

APRIL 28, 1976.

Take notice that on April 7, 1976, Northern States Power Company (Minnesota) (Applicant), 414 Nicollet Mall, Minneapolis, Minnesota 55401, filed in Docket No. CP76–328 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to receive, liquefy, store, and redeliver natural gas for Minnesota Gas Company (Minnegasco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its liquefied natural gas (LNG) operations consist of liquefaction, storage, and vaporization facilities at its Westcott Plant in Inver Grove Heights near St. Paul, Minnesota. The application indicates that Applicant and Minnegasco, distributors of natural gas, entered into an agreement, dated January 21, 1974, whereby Applicant agreed to increase the capacity of the Wescott Plant liquefaction facilities (which were being designed at the time of the execution of the agreement) from 7,500 Mcf per day to 10,000 Mcf per day and, as consideration for Applicant's providing the service and increasing its liquefaction capacity, Minnegasco agreed to pay Applicant $1,150,000, the then estimated cost of increasing the capacity of the liquefaction facilities. It is stated that Minnegasco also agreed to provide approximately 1 cubic foot of natural gas to be used as compressor fuel for each 10 cubic feet of gas to be liquefied and to pay 50 percent of the cost of installing a truck scale to facilitate the accurate measurement of LNG tank truck deliveries.

Applicant states that the agreement requires it to accept from Northern Natural Gas Company (Northern) for the account of Minnegasco up to 2,500 Mcf of gas per day for liquefaction during the period March 1 to October 30 for the years 1976 to and including 1980 and that if during the period 1981 to 1986, inclusive, Applicant determines in its sole discretion that the 2,500 Mcf per day increased capacity for which Minnegasco contributed $1,150,000 exceeds Applicant's requirements for liquefaction, Applicant shall give Minnegasco first call on liquefaction service from this excess capacity up to 625,000 Mcf per year on such terms as Applicant and Minnegasco agree to at that time.

It is proposed that Northern would deliver Minnegasco's gas to Applicant at Northern's St. Paul Town Border Station in Dakota County, Minnesota, and Applicant would transport the gas through its pipelines to its Wescott Plant, where it would be liquefied and stored for short periods to await removal by Minnegasco. It is stated that during each summer period, Minnegasco would be required to withdraw its LNG from the Westcott storage tank within a certain time after liquefaction and that the LNG would then be transported overland and injected into the storage tank which Minnegasco is constructing in Dakota County. The application indicates that Minnegasco has no liquefaction equipment for use in connection with its storage facilities in Dakota County and that the proposed service would enable Minnegasco to utilize its storage facilities.

Applicant states that since its subject proposal is a limited transaction between one distribution utility and another, the overall effect of which would assist Minnegasco in meeting the firm peak day requirements of high priority customers, Applicant requests that the Commission waive its filing requirements as regards system of accounting, annual reports, contracts and tariff, except as to the proposed LNG service.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 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.76–13046 Filed 5–4–76;8:45 am]

[Docket No. ER76–620]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Tender of Interconnection Agreement Modification

APRIL 28, 1976.

Take notice that on April 19, 1976, Pennsylvania-New Jersey-Maryland Interconnection (PJM) tendered for filing proposed Schedule 6.01 modifying its Interconnection Agreement dated September 26, 1956. The requested effective date of the proposed Schedule is June 1, 1976.

PJM states that the proposed Schedule provides for the accounting and billing among the parties to the PJM Interconnection Agreement for excesses and deficiencies of regulating capability as defined in the proposed Schedule. PJM further states that the parties to the Agreement have received copies of the filing and that copies will be promptly furnished to the Regulatory commissions of Pennsylvania, New Jersey, Maryland, Delaware, Virginia and the District of Columbia.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street 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, 1.10). All such petitions or protests should be filed on or before May 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–13036 Filed 5–4–76;8:45 am]

[Docket No. E-8586]

PUBLIC SERVICE CO. OF INDIANA

Extension of Time; Correction

APRIL 20, 1976.

Please change the last sentence in the above-indicated notice (April 19, 1976) to read as follows: "The time for filing briefs opposing exceptions is similarly extended to and including May 13, 1976."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13044 Filed 5-4-76;8:45 am]

[Docket No. CP75-17]

TRANSWESTERN PIPELINE CO.

Petition to Amend

APRIL 29, 1976.

Take notice that on April 26, 1976, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-17 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing the construction and operation of facilities and the transportation of natural gas for delivery to five right-of-way grantors or their successors in Texas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner proposes for each customer to construct and operate a one-inch tap, meter and related equipment and to deliver up to 200 Mcf of natural gas per day as follows:

Customer	Location	Estimated annual volume (Mcf)	End use
Floyd Cole	Castro County, Tex.	1,000	Irrigation, crop drying, feed processing, cooking and water heating, residential heating.
Ronald T. Dyer	Parmer County, Tex.	40,000	Irrigation, crop drying.
Mary E. McCray	Carson County, Tex.	12,000	Irrigation.
Dessa Ramey Estate	Carson County, Tex.	9,000	Irrigation.
Frank Simms	Carson County, Tex.	20,000	Irrigation, cooking and water heating, residential heating.

Petitioner estimates that the facilities would cost $61,670 and states that this amount would be partially reimbursed by the customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 18, 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.76-13049 Filed 5-4-76;8:45 am]

[Docket No. CP76-310]

TRUNKLINE GAS CO.

Application

APRIL 19, 1976.

Take notice that on March 29, 1976, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-310 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and the utilization of Applicant's capacity in Stingray Pipeline Company (Stingray) to transport natural gas for Texas Eastern Transmission Corporation (Texas Eastern) in accordance with transportation contracts between the two companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive in Block 565, West Cameron Area, South Addition, offshore Louisiana, initial amounts of up to 11,000 Mcf of gas per day for transportation for the account of Texas Eastern and redeliver said quantities to Texas Eastern at the existing interconnection between their systems in Allen Parish, Louisiana, or other mutually agreed points. It is stated that the subject gas, which would be purchased by Texas Eastern in West Cameron Area Block 522, would be transported to the point of receipt by Natural Gas Pipeline Company of America (Natural) at a side tap on Stingray's system in Block 565. It is proposed that the gas would be transported in the Stingray pipeline, utilizing a portion of Applicant's capacity of the Stingray system, to the adjacent onshore facilities of Natural at Holly Beach, Cameron Parish, Louisiana, and that Natural would then transport or otherwise provide equivalent quantities of gas to Applicant at the interconnection of the systems of Natural and Applicant at Lakeside, Cameron Parish, Louisiana. Applicant asserts that thereafter it would transport the gas to the point of redelivery. The application indicates that the initial term is for ten years from the date of initial deliveries.

Applicant states that for transportation service between the point of receipt and Applicant's onshore system Texas Eastern would pay Applicant $38,350 per month, subject to adjustment, based on receipt and transportation of 11,000 Mcf per day at 14.73 psia saturated, with an upward or downward adjustment of 11.46 cents per Mcf applied to any deficiency or excess in quantities taken. Further, it is stated that for service on Applicant's onshore facilities Texas Eastern would pay Applicant $2,008 per month based on the same daily usage specified above, with this charge subject to adjustment on the same basis at 0.60 cents per Mcf. Additionally, Applicant indicates that the monthly charges also would be subject to increase or decrease as a result of (1) Applicant's rate proceedings, (2) additional facilities, as needed, to maintain the capacity required to perform this service, (3) changes in amounts paid by Applicant to others for transportation services, including Stingray and Natural, and (4) changes proposed by Texas Eastern in the daily quantities to be transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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 Commissions" 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.76-13047 Filed 5-4-76;8:45 am]

[Docket No. RI76-35, et al.]

CONTINENTAL OIL CO., ET AL.

Order Consolidating Proceedings, Setting Consolidated Proceeding for Hearing, and Granting Interventions

APRIL 28, 1976.

On September 29, 1975, Continental Oil Company (Continental) filed application in Docket No. RI76-35 for a certificate of public convenience and necessity to sell gas to Tennessee Gas Pipeline Company (Tennessee). On October 6, 1975, Getty Oil Company (Getty) filed application in Docket No. RI76-42 for a certificate of public convenience and necessity to sell gas to Tennessee. On October 31, 1975, Cities Service Oil Company (Cities) filed application in Docket No. RI76-51 for a certificate of public convenience and necessity to sell gas to Tennessee. The subject gas is to be produced from the subsea surface down to and including the base of the RD sand, or its correlative equivalent, from approximately 2500 acres in West Cameron Block 69 (North Half), Offshore Louisiana, an interest owned ⅓ by Continental, ⅓ by Getty, and ⅓ by Cities. Continental dedicated ½ of its ⅓ working interest to the sale; Getty dedicated all of its ⅓ working interest; and Cities dedicated all of its ⅓ working interest. Sales volumes are estimated to be 275,000 Mcf per month for the Continental sale and 550,000 Mcf per month each for the Getty and Cities sales. Applicants state that a total of seven wells have been drilled on the property committeed to these proposed sales; that three were completed at depths greater than 15,000 feet; that two were completed at depths less; and that two drilled to depths greater than 15,000 feet were dry holes.

In addition to certificates of public convenience and necessity, Getty and Cities seek special relief (a rate above the Nationwide rate of 52 cents at 14.73 psia, plus production taxes, gathering, and Btu adjustment) pursuant to 18 CFR 2.56a (g).[1] Continental seeks special relief under 18 CFR 2.56a(g) for its interest in all the wells, and with regard to the two wells under 15,000 feet, it seeks special relief in the alternative under 18 CFR 2.76.[2] The contract rate in all three cases is the highest of $1.60 per Mcf at 15.025 psia, excluding production taxes; such rate as may be determined in this proceeding; or such rate as may be determined in a future area rate proceeding. Applicants seek temporary authorization to commence these sales and have expressed willingness to accept, subject to refund upon Commission determination of the applicable rates, a rate of $1.33 per Mcf.

Applicants state they have received advance payments from Tennessee in the following amounts; Continental, $2,500,000; Getty, $5,000,000; Cities $2,500,000.

Notices of the applications were issued as follows: Continental, Docket No. RI76-35, October 31, 1975, 40 FR 52100; Getty, Docket No. RI76-42, November 20, 1975, 40 FR 55705; Cities, Docket No. RI76-51, November 20, 1975, 40 FR 55701.

The Public Service Commission of the State of New York (NYPSC) filed notice of intervention on November 24, 1975, in Docket No. RI76-35 and on November 28, 1975, in Docket Nos. RI76-42 and RI76-51. It requested hearings. Pursuant to § 1.8(a) (1) of the Commission's Rules of Practice and Procedure (18 CFR § 1.8(a) (1)), NYPSC is an intervenor herein by virtue of these filings.

Tennessee filed petitions to intervene on November 24, 1975, in Docket No. RI76-35 and on November 26, 1975, in Docket Nos. RI76-42 and RI76-51. Bay State Gas Company, *et al.*, filed petitions to intervene on November 24, 1975, in Docket No. RI76-35 and on November 26, 1975, in Docket Nos. RI76-42 and RI76-51. Sun Oil Company filed a petition to intervene on November 21, 1975, in Docket No. RI76-35. Columbia Gas Transmission Corporation filed a petition to intervene on December 2, 1975, in Docket No. RI76-51.

The applications herein raise questions concerning justification for the rates requested, disposition of uncommitted gas (commitment of less than 100% of reserves), and differing amounts of advance payments. Therefore, we deem it necessary that these proceedings be set for hearing.

We believe applicants' requests for temporary certificates at $1.33 per Mcf must be denied. Section 18 CFR 2.56a(g) prevents an existing rate from being increased to above the National rate prior to special relief being granted. Neither is there any provision for a refundable rate increase pending outcome of a special relief proceeding under 18 CFR 2.76. Since temporary rate relief above National or area ceilings is not available in these situations for existing rates, there is no reason why it should be available for proposed rates for sales not yet certificated. However, applicants, if they so desire, may seek temporary certificates at the national new gas rate prescribed in Opinion No. 699, as amended.

The Commission finds: It is in the public interest that the proceedings in Docket Nos. RI76-35, RI76-42, and RI76-51 be consolidated and set for hearing; that interventions requested, described in the body of this order, be permitted; and that the requests for temporary authorizations be denied.

The Commission orders: (A) Docket Nos. RI76-35, RI76-42, and RI76-51 are hereby consolidated and set for hearing pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, 15, and 16 thereof; the Commission's Rules of Practice and Procedure; and the Regulations Under The Natural Gas Act (18 CFR, Chapter I).

(B) Tennessee Gas Pipeline Company, Bay State Gas Company, *et al.*, Sun Oil Company, and Columbia Gas Transmission Corporation are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission. The participation of all intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their intervention notices or petitions; and admission of intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) The requests of Continental Oil Company, Getty Oil Company, and Cities Service Oil Company for temporary authorizations to commence sales in these Dockets at $1.33 per Mcf, subject to refund, are hereby denied.

(D) 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).

(E) A prehearing conference shall be held in this proceeding on June 3, 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.

(F) Continental, Getty, Cities, and any intervenors desiring to submit evidence in support of an applicant shall file their direct testimony and evidence on or before May 19, 1976. All testimony and evidence shall be served upon the Presiding Administrative Law Judge and the Commission Staff.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13043 Filed 5-4-76;8:45 am]

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[1] 18 CFR 2.56a—"National Rate For Sales Of Natural Gas From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973."

[2] Policy with respect to rates where reduced pressures, need for reconditioning, deeper drilling, or other factors make further production uneconomical at existing prices.

[1] Commissioner Smith and Watt, concurring, filed as part of original document.

FEDERAL RESERVE SYSTEM

CN BANC HOLDING CORP.

Formation of Bank Holding Company

CN Banc Holding Corporation, Maplewood, Missouri, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Citizens National Bank of Greater St. Louis, Maplewood, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 26, 1976.

Board of Governors of the Federal Reserve System, April 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13070 Filed 5-4-76;8:45 am]

CITIZENS BAN-CORP.

Formation of Bank Holding Company

Citizens Ban-Corporation, Rock Port, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 86.06 percent of the voting shares of The Citizens Bank of Atchison County, Rock Port, Missouri (Applicant presently owns 24.9 percent of the voting shares of The Citizens Bank of Atchison County). The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Citizens Ban-Corporation, Rock Port, Missouri, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Rock Port Insurance & Realty Co., Rock Port, Missouri. Notice of the application was published on April 15, 1976 in The Atchison County Mail, a newspaper circulated in Atchison County, Missouri.

Applicant states that the proposed subsidiary would continue to engage in the activities of a general insurance agency business in a town with a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 27, 1976.

Board of Governors of the Federal Reserve System, April 28, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13069 Filed 5-4-76;8:45 am]

COMMERCIAL BANKSHARES CORP.

Formation of Bank Holding Company

Commercial Bankshares Corp., Adrian, Michigan, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of the successor by merger to The Commercial Savings Bank, Adrian, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 24, 1976.

Board of Governors of the Federal Reserve System, April 29, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13071 Filed 5-4-76;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Red Bird National Bank, Dallas, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 27, 1976.

Board of Governors of the Federal Reserve System, April 28, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13072 Filed 5-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-383]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in interstate telephone rate proceedings.

Effective date. This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission, involving the application of the American Telephone and Telegraph Company for increases in its interstate rates and charges, for Tariff F.C.C. No. 260, Series 1000 (Docket No. 20736).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

APRIL 28, 1976.

[FR Doc.76-12973 Filed 5-4-76;8:45 am]

PRIVACY ACT OF 1974

Notice of a System of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the General Services Administration (GSA) hereby publishes for comment a new System of Records as defined in the Privacy Act of 1974 that will be maintained by GSA.

Any person interested in commenting on the routine use portions of the System of Records contained in this notice may do so by submitting comments in writing to General Services Administration (BR), Washington, DC 20405. Comments must be submitted on or before the thirtieth day following publication of this notice.

GSA/FPA 13

System name: Interagency Directories, GSA/FPA.

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office, General Services Building, 18th and F Streets, NW., Washington, DC 20405.
Region 1, 605 John W. McCormack Post Office and Courthouse, Boston, MA 02109.
Region 2, 26 Federal Plaza, Room 2836, New York, NY 10007.
Region 3, William J. Green, Jr. Federal Building, 600 Arch Street, Room 7248, Philadelphia, PA 19106.
Region 4, 1776 Peachtree Street, NW., Atlanta, GA 30309.
Region 5, Federal Building, Room 3747, 230 South Dearborn Street, Chicago, IL 60604.
Region 6, 811 Grand Avenue, Room 132, Kansas City, MO 64106.
Region 7, Federal Building, Room 7C52, 1100 Commerce Street, Dallas, TX 75242.
Region 8, Building No. 41, Denver Federal Center, Denver, CO 80225.
Region 9, 120 Montgomery Street, San Francisco, CA 94104.
Region 10, Room 686, Federal Building, 915 2nd Avenue, Seattle, WA 98174.
Office of Stockpile Disposal, 2000 L Street, NW., General Services Administration, Washington, DC 20036.

Categories of individuals covered by the system: GSA Federal Preparedness Agency and Stockpile Disposal employees and employees of other federal, state, and local agencies with related responsibilities; e.g., members of the Regional Preparedness Committee, the Interagency Emergency Preparedness Committee, and the Regional Field Board as well as Emergency Coordinators, Emergency Preparedness Directors, and State Civil Defense Directors.

Categories of records in the system: Name, office and home addresses and telephone numbers, and level of security clearance for the purpose of providing a locator service and a means of distributing publications and communications for in-house agency use and for the use of member agencies.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the purpose of providing a locator service and a means of distributing publications and communications, interagency directories will be distributed to federal, regional, and state interagency committee members and to the agencies which they represent; e.g., State Emergency Planning Directors, holders of the FPA "Emergency Planning Reference Package for Regional Federal Governments" and "Central Office Emergency Readiness Instructions," and the White House Communications Agency. Additional Routine Uses are contained in the appendix following the GSA Notices, FEDERAL REGISTER, Vol. 40, No. 167—Wednesday, August 27, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name and agency.

Safeguards: Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access; individuals apprised of responsibility to provide equivalent safeguards for directories kept in their possession.

Retention and disposal: Retention of records shall be for duration of individual membership in interagency organization. Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency; General Services Administration (EE), Washington, DC 20405.

Notification procedure: Same as above. An inquiry should include the individual's name and address and the directory name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105–64, published in the *Federal Register*.

Record source categories: The individual to whom the record pertains.

Dated at Washington, DC on May 3, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76–13332 Filed 5–4–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–39]

OWENS ENTERPRISES, INC.

Intent To Grant Exclusive Patent License

This notice is to amend a portion of the notice which appeared in the FEDERAL REGISTER of April 16, 1976, Volume No. 41, No. 75, page 16229, Notice No. 76–28, regarding the intent of the National Aeronautics and Space Administration to grant an exclusive license to Owens Enterprises, Incorporated. The closing date for comments should be changed from May 5, 1976, to May 17, 1976. All other information in the notice remains the same.

Dated: May 3, 1976.

GERALD J. MOSSINGHOFF,
Acting General Counsel.

[FR Doc.76–12992 Filed 5–4–76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATER ADVISORY PANEL, NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held May 21, 22, 23, 1976 from 9:30 a.m.–5:30 p.m. at the Marriott Essex House in New York City, New York.

A portion of this meeting will be open to the public on May 23, 1976, from 9:30 a.m.–5:30 p.m. on a space available basis. Accommodations are limited. During the open session there will be discussions on the Theatre Program guidelines and general program policy.

The remaining sessions of this meeting on May 21 and 22, 1976, from 9:30 a.m.–5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–12986 Filed 5–4–76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

CFR PUBLICATION OF ARMED SERVICES PROCUREMENT REGULATIONS

Denial of Incorporation by Reference

The Director of the Federal Register has decided not to approve the incorporation by reference into the Federal Register/Code of Federal Regulations (FR/CFR) system of the 1975 edition of the Armed Services Procurement Regulations (ASPR). The purpose of this document is to announce to the public the basis for that decision and to describe how the ASPR will, in the future, be made a part of the FR/CFR system.

On June 17, 1975 (40 FR 25643) the Director of the Federal Register requested public guidance on the advisability of incorporating by reference into the FR/CFR system the 1975 edition of the ASPR. While the number of comments received was small, almost all opposed the incorporation by reference of the ASPR into the FR/CFR system. Several commenters pointed out that many persons interested in ASPR already subscribed to the daily FEDERAL REGISTER. In the past, these FEDERAL REGISTER subscribers were able to keep up with significant ASPR changes though they did not have a sufficient interest to justify

a separate subscription to the looseleaf version of ASPR published by the Government Printing Office. Based on this comment and others received, it is clear that it would not be in the public interest to approve the incorporation by reference of the ASPR into the FR/CFR system.

To accommodate both the complete publication of an up to date ASPR and future amendments in the FR/CFR system, the Office of the Federal Register has decided to accept the ASPR numbering system. This will make it possible for future changes in the ASPR to be published in the FEDERAL REGISTER at the same time they are issued, rather than as in the past after some delay while a new document is prepared. Each CFR volume will contain an editorial note explaining the differences between the ASPR numbering system and the standard CFR system.

The current ASPR looseleaf edition contains over 3,000 pages. Publication of a complete, up to date version in the daily FEDERAL REGISTER would involve a press run of about 50,000 copies. It is likely that only a small portion of these 50,000 FEDERAL REGISTER subscribers are interested in a complete set of the ASPR. Therefore, instead of full text publication in the FEDERAL REGISTER, the ASPR will be published in three volumes of the CFR, which wil be made available free of cost upon request to each current FEDERAL REGISTER subscriber. A document promulgating the up to date edition of the ASPR will be published in the FEDERAL REGISTER. This up to date edition will be the July 1975 edition as amended by Defense Procurement Circulars 75–1 through 75–4. Thereafter, all amendments to the ASPR will be accomplished by full text publication in the FEDERAL REGISTER.

The revision dates of the CFR volumes to be issued will be November 1, 1975. The three volumes containing the ASPR will be organized as follows:

32 CFR Volume I (ASPR Sections I–VI)
32 CFR Volume II (ASPR Sections VII–XX)
32 CFR Volume III (ASPR Sections XXI–XXVI and Appendices A–N)

Subscribers to the daily FEDERAL REGISTER will, on request, receive these CFR volumes free of charge. So that we can plan for an adequate press run, please let us know before May 21, 1976, if you wish a set of these volumes. It is anticipated that these volumes will be available for distribution before June 15, 1976. Those persons who are not FEDERAL REGISTER subscribers but who would be interested in purchasing these volumes will be notified by a FEDERAL REGISTER announcement (including an order form) in the near future.

COMMENTS INVITED

The Office of the Federal Register desires to meet all legitimate public needs while at the same time eliminating unnecessary duplication and printing costs. It is hoped that this innovation in our normal publication practice will accomplish these objectives. The Director of the Federal Register invites comments from readers of the FEDERAL REGISTER concerning the possibility of making CFR volumes the primary source of full text publication in this and any other similar situation. Please send your comments to: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: May 3, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76–13175 Filed 5–4–76;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 April 28, 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

NATIONAL SCIENCE FOUNDATION

RANN Users' Survey, single-time, potential users of RANN research reports, Maria Gonzalez, 395–6132.

DEPARTMENT OF COMMERCE

Bureau of Census, Residence Verification Referral 2, DD 324, single-time, household in black and Spanish communities, Maria Gonzalez, 395–6132.

DEPARTMENT OF DEFENSE

Departmental and other, MIL–P–9024G (USAF) "Packaging, Handling, and Transportability in System/Equipment Acquisition", on occasion, aerospace/electronic/missile, Lowry, R. L., 395–3772.

DEPARTMENT OF THE INTERIOR

Geological Survey:
Application for establishment of royalty values, 9–1926, on occasion, lessees and operators of Federal and Indian oil, Caywood, D. P., 395–3443.
Bureau of Indian Affairs, Tribal Planning and Development Questionnaire, 5–3301, single-time, all federally-recognized tribes and other Indian organizations, natural resources division, George Hall, 395–6827.

REVISIONS

DEPARTMENT OF THE INTERIOR

Geological Survey:
Lessee's monthly report of sales and royalty, 9–361, monthly, lessees and operators of Federal and Indian oil and gas leases, Caywood, D. P., 395–3443.
Geological Survey, monthly report of operations, 9–329, monthly, lessees and operators of Federal and Indian oil and gas leases, Caywood, D. P., 395–3443.
Geological Survey, Rental and Royalty Remittance Advice, 9–614–A, monthly, lessees and operators Federal and Indian oil and gas leases, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs:
Application for a rate of Drawback, CF–4477, on occasion, manufacturers or producers, Marsha Traynham, 395–4529.
Pro Forma List of Export Declarations for Shipments to Canada, CF–7303, on occasion, exporters or shippers, Marsha Traynham, 395–4529.
Certificate of Manufacturing and Delivery, CF–7585, on occasion, manufacturers or producers, Marsha Traynham, 395–4529.
Certificate of Delivery of Alcohol—Tax Paid, CF–7545, on occasion, manufacturers, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–13164 Filed 5–4–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9270]

AMERICAN GENERAL LIFE INSURANCE COMPANY AND AMERICAN GENERAL LIFE INSURANCE COMPANY SEPARATE ACCOUNT B

Application Pursuant to Section 8(f) of the Act for an Order Declaring That the Separate Account has Ceased To Be an Investment Company

Notice is hereby given that American General Life Insurance Company (the "Company"), a Texas stock life insurance company, and American General Life Insurance Company Separate Account B (the "Separate Account") a separate account of the Company registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (collectively referred to as "Applicants"), filed an application on January, 8, 1976, and an amendment thereto on April 7, 1976, pursuant to Section 8(f) of the Act for an order of the Commission declaring that the Separate Account has ceased to be an investment company as defined in 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 on November 19, 1973, pursuant to Texas law, as the facility for issuing single and periodic payment deferred, and single payment immediate, variable annuity contracts (the "Contracts"). The Sep-

arate Account was registered under the Act by filing a Form N–8A Notification of Registration on or about April 9, 1974. A Registration Statement on Form N–8B–2 under the Act and a Registration Statement on Form S–6 under the Securities Act of 1933 covering the Contracts were filed with the Commission on May 13, 1974. Sale of the Contracts has never been approved by the Texas State Board of Insurance and the Company has determine not to proceed with a proposed public offering of the Contracts. The Separate Account has no liabilities or obligations to the Company (the Company having withdrawn its original capitalization of the Separate Account) or to any other party, and is not making and does not propose to make any public offering of the Contracts.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 24, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission 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 Applicant at the address stated above. Proof of service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 24, 1976 unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12946 Filed 5–4–76;8:45 am]

[Rel. No. 9267; 812–3929]

FIDELITY MUNICIPAL BOND FUND, LTD.

Filing of Application Pursuant to Section 6(c) of the Act for Exemptions From Sections 2(a)(3), 2(a)(19), 18(f), and 22(e) of the Act

APRIL 29, 1976.

Notice is hereby given that Fidelity Municipal Bond Fund, Ltd. ("Applicant"), a limited partnership organized under the Uniform Limited Partnership Act of Nebraska (the "Nebraska Partnership Act"), 35 Congress Street, Boston, Massachusetts 02109; and registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified, management investment company, filed an application on March 16, 1976, for an order of exemption, pursuant to Section 6(c) of the Act, from certain provisions of Sections 2(a)(3), 2(a)(19), 18(f), and 22(e) 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.

On February 27, 1976, Applicant filed its Certificate and Agreement of Limited Partnership (the "Partnership Agreement") under the Nebraska Partnership Act. Applicant has also filed a Registration Statement on Form S–5, pursuant to the Securities Act of 1933, to register its shares of partnership interest ("Shares") for public sale. Applicant intends to continuously offer Shares to investors, but reserves the right to cease doing so.

Applicant's investment objective is to provide Shareholders with as high a level of interest income which is exempt from Federal income taxation as is consistent with the preservation of capital. Applicant will seek to accomplish this objective by investing its assets in a diversified portfolio of obligations issued by or on behalf of states, territories and possessions of the United States, the District of Columbia, and their political subdivisions, agencies, and instrumentalities, the interest on which is exempt from Federal income taxation ("municipal bonds"), or in certain permitted temporary investments. Applicant intends to restrict its investments in municipal bonds to those issues which are rated, at the time of purchase, within the three highest grades by Moody's Investors Service, Inc. or Standard & Poor's Corporation. Applicant was organized as a limited partnership, rather than a corporation or trust, in order to provide its public investors with certain tax advantages which would not be available if Applicant were organized as a corporation or trust.

Applicant has submitted to the Internal Revenue Service ("IRS") requests for rulings under the Internal Revenue Code of 1954, as amended, that, for Federal income tax purposes, income received by Applicant which is excludable from gross income under the Internal Revenue Code will retain such status when allocated and distributed to Applicant's partners and that Applicant will be treated as a partnership and not as an association taxable as a corporation. If these rulings are issued, they are expected to be based on the fact that Applicant is established as a partnership and that it lacks the corporate characteristics of limited liability and continuity of life. Applicant states that it was organized under Nebraska law because the Nebraska Partnership Act specifically permits limited partners to exercise voting rights necessary to permit Applicant to comply with the Act.

As a limited partnership, Applicant will have two classes of partners: general partners and limited partners (collectively "partners"). The entire interest of the partners will be represented by Shares each of which will have equal rights and equal participation in the profits and losses of Applicant, one vote per share on all matters voted upon by partners, and, when held by limited partners, be redeemable.

At the present time, Applicant has one corporate and two individual general partners, all of whom are interested persons of Applicant for reasons other than because they are general partners of Applicant. Prior to the public offering of its Shares, the number of general partners will be increased to six: one corporate general partner, Fidelity Management & Research Company, Applicant's investment adviser, and five individual general partners (the "director general partners"), three of whom will not be interested persons of Applicant except by reason of their interest as general partners. The Partnership Agreement provides that Applicant will be managed by the director general partners and that the corporate general partner will be permitted to participate in the management of Applicant only in the event that no director general partner remains to elect to continue business and then only for the limited period of time (not to exceed 60 days) necessary to convene a meeting of the limited partners for the purpose of making such election.

Applicant asserts that the director general partners will perform the same functions as directors of incorporated investment companies. Director general partners will each have one vote and shall act only by majority vote of the director general partners at a duly called meeting or by unanimous written or telephonic consent without a meeting, unless otherwise required by the Act. The director general partners will appoint one director general partner to be managing director general partner. The managing director general partner will preside at all meetings of the director general partners and will be responsible for the execution of policies established by the director general partners and the administration of Applicant. The director general partners may, subject to the Act, appoint agents to perform duties on behalf of Applicant.

The director general partners will call a meeting of the partners within 180 days after the first sale of Shares to the public and thereafter in each succeeding year for the purpose, among other things, of voting upon the election of director general partners. A director general partner

may retire by giving not less than 180 days' written notice to the other general partners, and will be removed as a director general partner if the partners fail to reelect him. The corporate general partner may not resign without giving at least two years' written notice, except that it may resign if a successor corporate general partner is appointed by the director general partners. If at any time the number of director general partners is reduced to less than three, the remaining director general partners shall, within 120 days, call a meeting of the partners for the purpose of electing an additional director general partner or partners so as to restore the number of director general partners to at least three.

Applicant understands that, under its current rulings policy, the IRS would not issue the ruling which Applicant has requested with respect to the classification of Applicant as a partnership and not an association taxable as a corporation unless the general partners of Applicant maintain, in the aggregate, an interest of at least 1% in each material item of partnership income, gain, loss, deduction, and credit. In order to meet this condition, the Partnership Agreement provides that the general partners, as such, shall be obligated to purchase Shares to the extent necessary to enable the general partners to maintain, in the aggregate, such a 1% interest during the existence of the partnership. Each Share held by a general partner shall be unassignable, except to another general partner with the consent of the director general partners, and shall be redeemable by Applicant only in the event that the holder thereof has ceased to be a general partner or, in the opinion of counsel to Applicant, redemption of such shares would not jeopardize the status of Applicant as a partnership for Federal income tax purposes.

A purchaser or assignee of Shares, who has not previously qualified as a limited partner, will be promptly admitted as a limited partner by, and upon the consent of, the director general partners upon the receipt of a signed partnership authorization, including a power of attorney, and the filing of an appropriate amendment to the Partnership Agreement. The director general partners will give such consent as a matter of course upon the submission of the necessary documents. Amendments to the Partnership Agreement will be processed no less frequently than weekly, and will be processed daily when necessary. Until such time as a purchaser or assignee of Shares becomes a limited partner, he will not be entitled to receive distributions, make withdrawals, vote his Shares, or exercise other rights of a limited partner. In such a situation, income distributions allocable to Shares which have been purchased or assigned will be reinvested in Shares pending receipt of the partnership authorization. A limited partner will not be entitled to take part in the control of Applicant's business, but each Share will carry one vote on all matters to be voted upon by partners.

Applicant undertakes that, prior to the initial public offering of Shares, it will be added as a named assured in certain stock brokers blanket bonds and in certain errors and omissions insurance policies. Applicant states that it will not voluntarily cancel such insurance.

SECTION 2(a)(19)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company. Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

Section 2(a)(19)(A) of the Act provides, in pertinent part, that an "interested person" of another person, when the other person is an investment company, means (1) any affiliated person of such company and (2) any interested person of any investment adviser for such company. Section 2(a)(19)(B) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment adviser for any investment company, means any affiliated person of such investment adviser. Section 2(a)(3)(D) provides, in part, that an "affiliated person" of another means any partner or copartner of such person.

Applicant currently has two individual general partners, both of whom are interested persons of Applicant, and a corporate general partner, the Adviser. Applicant proposes to add three additional director-general partners, each of whom presently serves as a non-interested director of other investment companies advised by the Adviser. Applicant states that such persons, upon becoming director-general partners, would become partners in Applicant and co-partners of the Adviser and thus both interested persons and affiliates of the Adviser and Applicant.

Applicant submits that such a finding would conflict with the intention of Section 2(a)(19) of the Act which provides that "No person shall be deemed to be an interested person of an investment company solely by reason of his being a member of its board of directors * * *". Applicant asserts that the relationship of the director general partners to Applicant is essentially identical to the relationship of directors to a corporate investment company. To resolve this conflict and assure compliance with the provisions of Section 10(a) of the Act by Applicant and those investment companies on whose boards the above non-interested directors serve, Applicant requests an order, pursuant to Section 6(c) of the Act, exempting it and its general partners from the provisions of Section 2(a)(19) of the Act which would make the general partners interested persons of any other person solely because they are general partners of Applicant or co-partners in Applicant of general partners who are otherwise interested persons of Applicants.

SECTION 2(a)(3)

Section 2(a)(3)(D) of the Act defines an "affiliated person" of another person as "any * * * partner of such other person." Investors in Applicant will become limited partners and thereby may be deemed affiliated persons of Applicant. Applicant submits that such limited partners are equivalent to shareholders of an investment company organized as a corporation. Applicant states that the extension of "affiliated person" status to Applicant's limited partners creates the possibility of violation of the Act and renders meaningless those provisions of Sections 2(a)(3)(A) and (B) of the Act that require a certain minimum percentage ownership before a shareholder is considered an affiliated person.

Applicant therefore requests an order, pursuant to Section 6(c) of the Act, exempting from the definition of "affiliated person" any person who would come within the definition solely by virtue of being a limited partner of Applicant. The exemption would not apply to any limited partner who is an "affiliated person" of Applicant by any other reason such as ownership of 5% or more of the Shares of Applicant.

SECTION 18(f)

Section 67-223 of the Nebraska Partnership Act provides that limited partners shall be entitled to priority over general partners in distributions after dissolution. Applicant has been advised by its Nebraska counsel that modifications of such priority is permissible. Applicant has modified such priorities in its Partnership Agreement so that distributions after dissolution will be made prorata among the holders of Shares in proportion to the number of Shares held.

Section 18(f)(1) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer. Section 18(g) of the Act defines "senior security" to mean, in pertinent part, any stock of a class having priority over any other class as to distribution of assets or payment of dividends.

It is Applicant's position that all of its securities, i.e., its Shares, are of one class, since, under the Partnership Agreement, they are entitled to participate ratably in profits and upon dissolution. To the extent that the Nebraska Act requires payments to limited partners, upon dissolution, to be made before payments to general partners, such "priority" derives from an individual's status as a general or limited partner, not from the terms of the security itself. It is not Applicant's intention to create priorities in either class of partner. To the extent that priorities may exist in order of payment upon dissolution, such priorities derive from the partner's status under Nebraska law.

If a "senior security" is deemed to exist under Section 18, Applicant asserts that such securities are clearly the Shares held by limited partners. Applicant asserts that Section 18(f)(1) clearly was not intended to apply to this situation.

Applicant believes that the beneficiaries of any priorities that may exist are the members of the public who become limited partners.

Applicant, therefore, requests an order of exemption, pursuant to Section 6(c) of the Act, from the provisions of Section 18(f)(1) of the Act to the extent necessary to permit it to issue Shares to limited partners that may be deemed "senior securities" within the meaning of Section 18(g) of the Act.

SECTION 22(e)

Section 22(e) of the Act provides, in pertinent part, that no registered investment company shall suspend the date of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of such security. Section 47(b) of the Investment Company Act provides, in part, that every contract the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of the Act or any rule, regulation or order thereunder shall be void.

As noted above, Applicant's general partners are obligated, by the Partnership Agreement, to purchase and maintain a minimum of 1% of Applicant's outstanding Shares. The Partnership Agreement further provides that Shares held by general partners shall be redeemable only if the holder has ceased to be a general partner or, in the opinion of counsel to Applicant, redemption of shares held by a general partner would not jeopardize the status of Applicant as a partnership for Federal income tax purposes. Applicant submit that the restriction on redeemability of Shares held by general partners is similar to the commitment of the original subscribers to the shares of a corporate investment company that they are taking the shares with an investment intent. Applicant submits that this restriction would not adversely affect, but, rather, would benefit Applicant's public investors. To the extent that a general partner could tender shares in violation of this provision of the Partnership Agreement and allege, upon so doing, that the provision was in contravention of Section 22(e) of the Act and therefore void under Section 47(b) of the Act, Applicant requests an exemption, pursuant to Section 6(c) of the Act, from Section 22(e). This would permit Applicant to obtain enforcement of this provisions in the event of this violation.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act of 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. Applicant submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Notice is further given that any interested person may, not later than May 24, 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12947 Filed 5–4–76; 8:45 am]

[Rel. No. 9269; 812–3929]

FIDELITY MUNICIPAL BOND FUND, LTD.

Filing of Application Pursuant to Section 6(c) of the Act for Exemptions From Sections 2(a)(3), 2(a)(19), 18(f), and 22(e) of the Act

APRIL 29, 1976.

Notice is hereby given that Fidelity Municipal Bond Fund, Ltd. ("Applicant"), a limited partnership organized under the Uniform Limited Partnership Act of Nebraska (the "Nebraska Partnership Act") and registered under the Investment Company Act of 1940 (the "Act") 35 Congress Street; Boston, Massachusetts 02109; as an open-end, diversified, management investment company, filed an application on March 16, 1976, for an order of exemption, pursuant to Section 6(c) of the Act, from certain provisions of Sections 2(a)(3), 2(a)(19), 18(f), and 22(e) 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.

On February 27, 1976, Applicant filed its Certificate and Agreement of Limited Partnership (the "Partnership Agreement") under the Nebraska Partnership Act. Applicant has also filed a Registration Statement on Form S–5, pursuant to the Securities Act of 1933, to register its shares of partnership interest ("Shares") for public sale. Applicant intends to continuously offer Shares to investors, but reserves the right to cease doing so.

Applicant's investment objective is to provide Shareholders with as high a level of interest income which is exempt from Federal income taxation as is consistent with the preservation of capital. Applicant will seek to accomplish this objective by investing its assets in a diversified portfolio of obligations issued by or on behalf of states, territories and possessions of the United States, the District of Columbia, and their political subdivisions, agencies, and instrumentalities, the interest on which is exempt from Federal income taxation ("municipal bonds"), or in certain permitted temporary investments. Applicant intends to restrict its investments in municpal bonds to those issues which are rated, at the time of purchase, within the three highest grades by Moody's Investors Service, Inc. or Standard & Poor Corporation. Applicant was organized as a limited partnership, rather than a corporation or trust, in order to provide its public investors with certain tax advantages which would not be available if Applicant were organized as a coporation or trust.

Applicant has submitted to the Internal Revenue Service ("IRS") requests for rulings under the Internal Revenue Code of 1954, as amended, that, for Federal income tax purposes, income received by Applicant which is excludable from gross income under the Internal Revenue Code will retain such status when allocated and distributed to Applicant's partners and that Applicant will be treated as a partnership and not as an association taxable as a corporation. If these rulings are issued, they are expected to be based on the fact that Applicant is established as a partnership and that it lacks the corporate characteristics of limited liability and continuity of life. Applicant states that it was organized under Nebraska law because the Nebraska Partnership Act specifically permits limited partners to exercise voting rights necessary to permit Applicant to comply with the Act.

As a limited partnership, Applicant will have two classes of partners: general partners and limited partners (collectively "partners"). The entire interest of the partners will be represented by Shares each of which will have equal rights and equal participation in the profits and losses of Applicant, one vote per share on all matters voted upon by partners, and, when held by limited partners, be redeemable.

At the present time, Applicant has one corporate and two individual general partners, all of whom are interested per-

sons of Applicant for reasons other than because they are general partners of Applicant. Prior to the public offering of its Shares, the number of general partners will be increased to six: one corporate general partner, Fidelity Management & Research Company, Applicant's investment adviser, and five individual general partners (the "director general partners"), three of whom will not be interested persons of Applicant except by reason of their interest as general partners. The Partnership Agreement provides that Applicant will be managed by the director general partners and that the corporate general partner will be permitted to participate in the management of Applicant only in the event that no director general partner remains to elect to continue business and then only for the limited period of time (not to exceed 60 days) necessary to convene a meeting of the limited partners for the purpose of making such election.

Applicant asserts that the director general partners will perform the same functions as directors of incorporated investment companies. Director general partners will each have one vote and shall act only by majority vote of the director general partners at a duly called meeting or by unanimous written or telephonic consent without a meeting, unless otherwise required by the Act. The director general partners will appoint one director general partner to be managing director general partner. The managing director general partner will preside at all meetings of the director general partners and will be responsible for the execution of policies established by the director general partners and the administration of Applicant. The director general partners may, subject to the Act, appoint agents to perform duties on behalf of Applicant.

The director general partners will call a meeting of the partners within 180 days after the first sale of Shares to the public and thereafter in each succeeding year for the purpose, among other things, of voting upon the election of director general partners. A director general partner may retire by giving not less than 180 days' written notice to the other general partners, and will be removed as a director general partner if the partners fail to reelect him. The corporate general partner may not resign without giving at least two years' written notice, except that it may resign if a successor corporate general partner is appointed by the director general partners. If at any time the number of director general partners is reduced to less than three, the remaining director general partners shall, within 120 days, call a meeting of the partners for the purpose of electing an additional director general partner or partners so as to restore the number of director general partners to at least three.

Applicant understands that, under its current rulings policy, the IRS would not issue the ruling which Applicant has requested with respect to the classification of Applicant as a partnership and not an association taxable as a corporation unless the general partners of Applicant maintain, in the aggregate, an interest of at least 1% in each material item of partnership income, gain, loss, deduction, and credit. In order to meet this condition, the Partnership Agreement provides that the general partners, as such, shall be obligated to purchase Shares to the extent necessary to enable the general partners to maintain, in the aggregate, such a 1% interest during the existence of the partnership. Each Share held by a general partner shall be unassignable, except to another general partner with the consent of the director general partners, and shall be redeemable by Applicant only in the event that the holder thereof has ceased to be a general partner or, in the opinion of counsel to Applicant, redemption of such shares would not jeopardize the status of Applicant as a partnership for Federal income tax purposes.

A purchaser or assignee of Shares, who has not previously qualified as a limited partner, will be promptly admitted as a limited partner by, and upon the consent of, the director general partners upon the receipt of a signed partnership authorization, including a power of attorney, and the filing of an appropriate amendment to the Partnership Agreement. The director general partners will give such consent as a matter of course upon the submission of the necessary documents. Amendments to the Partnership Agreement will be processed no less frequently than weekly, and will be processed daily when necessary. Until such time as a purchaser or assignee of Shares becomes a limited partner, he will not be entitled to receive distributions, make withdrawals, vote his Shares, or exercise other rights of a limited partner. In such a situation, income distributions allocable to Shares which have been purchased or assigned will be reinvested in Shares pending receipt of the partnership authorization. A limited partner will not be entitled to take part in the control of Applicant's business, but each Share will carry one vote on all matters to be voted upon by partners.

Applicant undertakes that, prior to the initial public offering of Shares, it will be added as a named assured in certain stock brokers blanket bonds and in certain errors and omissions insurance policies. Applicant states that it will not voluntarily cancel such insurance.

SECTION 2(a)(19)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company. Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

Section 2(a)(19)(A) of the Act provides, in pertinent part, that an "interested person" of another person, when the other person is an nivestment company, means (1) any affiliated person of such company and (2) any interested person of any investment adviser for such company. Section 2(a)(19)(B) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment adviser for any investment company, means any affiliated person of such investment adviser. Section 2(a)(3)(D) provides, in part, that an "affiliated person" of another means any partner or copartner of such person.

Applicant currently has two individual general partners, both of whom are interested persons of Applicant, and a corporate general partner, the Adviser. Applicant proposes to add three additional director-general partners, each of whom presently serves as a non-interested director of other investment companies advised by the Adviser. Applicant states that such persons, upon becoming director-general partners, would become partners in Applicant and co-partners of the Adviser and thus both interested persons and affiliates of the Adviser and Applicant.

Applicant submits that such a finding would conflict with the intention of Section 2(a)(19) of the Act which provides that "No person shall be deemed to be an interested person of an investment company solely by reason of his being a member of its board of directors * * *". Applicant asserts that the relationship of the director general partners to Applicant is essentially identical to the relationship of directors to a corporate investment company. To resolve this conflict and assure compliance with the provisions of Section 10(a) of the Act by Applicant and those investment companies on whose boards the above non-interested directors serve, Applicant requests an order, pursuant to Section 6(c) of the Act, exempting it and its general partners from the provisions of Section 2(a)(19) of the Act which would make the general partners interested persons of any other person solely because they are general partners of Applicant or co-partners in Applicant of general partners who are otherwise interested persons of Applicants.

SECTION 2(a)(3)

Section 2(a)(3)(D) of the Act defines an "affiliated person" of another person as "any * * * partner of such other person." Investors in Applicant will become limited partners and thereby may be deemed affiliated persons of Applicant. Applicant submits that such limited partners are equivalent to shareholders of an investment company organized as a corporation. Applicant states that the extension of "affiliated person" status to Applicant's limited partners creates the possibility of violation of the Act and renders meaningless those provisions of Sections 2(a)(3)(A) and (B) of the Act that require a certain minimum percentage ownership before a shareholder is considered an affiliated person.

Applicant therefore requests an order, pursuant to Section 6(c) of the Act, exempting from the definition of "affiliated person" any person who would come within the definition solely by virtue of being a limited partner of Applicant. The exemption would not apply to any limited partner who is an "affiliated person" of Applicant by any other reason such as ownership of 5% or more of the Shares of Applicant.

SECTION 18(f)

Section 67-223 of the Nebraska Partnership Act provides that limited partners shall be entitled to priority over general partners in distributions after dissolution. Applicant has been advised by its Nebraska counsel that modification of such priority is permissible. Applicant has modified such priorities in its Partnership Agreement so that distributions after disssolution will be made pro-rata among the holders of Shares in proportion to the number of Shares held.

Section 18(f)(1) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer. Section 18(g) of the Act defines "senior security" to mean, in pertinent part, any stock of a class having priority over any other class as to distribution of assets or payment of dividends.

It is Applicant's position that all of its securities, i.e., its Shares, are of one class, since, under the Partnership Agreement, they are entitled to participate ratably in profits and upon dissolution. To the extent that the Nebraska Act requires payments to limited partners, upon dissolution, to be made before payments to general partners, such "priority" derives from an individual's status as a general or limited partner, not from the terms of the security itself. It is not Applicant's intention to create priorities in either class of partner. To the extent that priorities may exist in order of payment upon dissolution, such priorities derive from the partner's status under Nebraska law.

If a "senior security" is deemed to exist under Section 18, Applicant asserts that such securities are clearly the Shares held by limited partners. Applicant asserts that Section 18(f)(1) clearly was not intended to apply to this situation. Applicant believes that the beneficiaries of any priorities that may exist are the members of the public who become limited partners.

Applicant, therefore, requests an order of exemption, pursuant to Section 6(c) of the Act, from the provisions of Section 18(f)(1) of the Act to the extent necessary to permit it to issue Shares to limited partners that may be deemed "senior securities" within the meaning of Section 18(g) of the Act.

SECTION 22(E)

Section 22(e) of the Act provides, in pertinent part, that no registered investment company shall suspend the date of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of such security. Section 47(b) of the Investment Company Act provides, in part, that every contract the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of the Act or any rule, regulation or order thereunder shall be void.

As noted above, Applicant's general partners are obligated, by the Partnership Agreement, to purchase and maintain a minimum of 1% of Applicant's outstanding Shares. The Partnership Agreement further provides that Shares held by general partners shall be redeemable only if the holder has ceased to be a general partner or, in the opinion of counsel to Applicant, redemption of shares held by a general partner would not jeopardize the status of Applicant as a partnership for Federal income tax purposes. Applicant submits that the restriction on redeemability of Shares held by general partners is similar to the commitment of the original subscribers to the shares of a corporate investment company that they are taking the shares with an investment intent. Applicant submits that this restriction would not adversely affect, but, rather, would benefit Applicant's public investors. To the extent that a general parner could tender shares in violation of this provision of the Partnership Agreement and allege, upon so doing, that the provision was in contravention of Section 22(e) of the Act and therefore void under Section 47(b) of the Act, Applicant requests an exemption, pursuant to Section 6(c) of the Act, from Section 22(e). This would permit Applicant to obtain enforcement of this provision in the event of its violation.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or 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. Applicant submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Notice is further given that any interested person may, not later than May 24, 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE F. FITZSIMMONS,
Secretary.

[FR Doc.76-12948 Filed 5-4-76;8:45 am]

[Rel. No. 9273; 812-3901]

NEW YORK VENTURE FUND, INC., ET AL.

Application for an Order for Exemptions

MAY 3, 1976.

Notice is hereby given that New York Venture Fund, Inc. ("Venture Fund") and Monthly Income Shares, Inc. ("Income Fund"), each of which is registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, and Calvin Bullock, Ltd. ("CBL"), the principal underwriter of Venture Fund and Income Fund, and First Virginia Management and Research Corporation ("First Virginia") (collectively referred to as "Applicants"), filed an application pursuant to Section 6(c) of the Act on January 27, 1976, and an amendment thereto on March 29, 1976, for an Order exempting Applicants and certain transactions from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the Applicants' representations which are summarized below.

CBL serves as investment adviser to Income Fund. Venture Advisers, Inc. ("VAI"), a subsidiary of CBL, serves as investment adviser to Venture Fund.

First Virginia is the sponsor of FFV Accumulation Plan (the "Plan"), a unit investment trust registered under the Act. The Plan is the issuer of Periodic Payment Programs (the "Programs") for the accumulation of shares of First Fund of Virginia, Inc. ("Virginia Fund"), a registered, open-end diversified management investment company. First Virginia is the principal underwriter of Virginia Fund and of Investors Income Fund, Inc. ("Investors Fund"), a registered, open-end diversified management investment company.

Applicants state that pursuant to a reorganization (the "Virginia Fund reorganization") Venture Fund will ac-

quire substantially all of the assets of Virginia Fund in exchange for shares of Venture Fund. Virginia Fund will then distribute the shares of Venture Fund to its shareholders in liquidation and dissolution. Applicants further state that Income Fund and Investors Fund will be parties to a separate reorganization (the "Investors Fund reorganization") of the same type. The reorganizations are subject to approval by the shareholders of Virginia Fund and Investors Fund, respectively. Thus, upon such approvals the shareholders of Virginia Fund will become shareholders of Venture Fund and the shareholders of Investors Fund will become shareholders of Income Fund. All legal, accounting, printing and mailing costs of Venture Fund and Virginia Fund in connection with the Virginia Fund reorganization and of Income Fund and Investors Fund in connection with the Investors Fund reorganization will be paid by VAI.

Subsequent to consummation of the Virginia Fund reorganization, VAI will, for $50,000, purchase all of the outstanding shares of First Virginia. A non-competition covenant will be given VAI by Richmond Corporation, the parent of First Virginia. In view of such purchase, Venture Fund and Income Fund have agreed to comply with the provisions of Section 15(f) of the Act, including the requirement that for three years after such purchase, at least 75% of the boards of directors of Venture Fund and Income Fund will consist of persons who, in the case of Virginia Fund, are not interested persons of VAI or First Virginia, and, in the case of Income Fund, are not interested persons of CBL or First Virginia.

Presently, shares of Virginia Fund, Investors Fund, Venture Fund, and Income Fund may be purchased pursuant to a statement of intention under which sales charges may be reduced if specified amounts are invested during a 13-month period. As of December 31, 1975, there was one investor who was a party to an uncompleted statement of intention involving shares of Virginia Fund and/or Investors Fund. Other persons may become parties to such statements of intention. Applicant proposes to permit investors in Virginia Fund or Investors Fund who are parties to uncompleted statements of intention at the times of the distributions of shares of Venture Fund and Income Fund for shares of Virginia Fund and Investors Fund, respectively, to become parties to statements of intention under which additional purchases could be made of shares of Venture Fund and/or Income Fund with credit being given on such statements for investments made in shares of Virginia Fund or Investors Fund.

As of December 31, 1975, there were 971 outstanding Programs issued under the Plan on which sales charges are payable and which had not been completed or terminated. No new Programs have been issued since December 31, 1974. The first 12 month payment units had been paid on all but 23 of such outstanding Programs, and, therefore, under the terms of the Plan and the Programs, the sales charge on each additional payment unit on each of such Programs is at the rate of 4.4% of each such payment. As to the 23 Programs on which the first 12 monthly payment units had not been paid, the sales charge on any remaining unpaid first 12 monthly payments is 50%, with each payment thereafter being subject to sales charges at the rate of 4.4%.

If the requested order is issued by the Commission and the Virginia Fund reorganization is consummated, First Virginia and the Shawmut Bank of Boston, N.A. (the "Custodian"), the custodian of the Plan, will enter into a Termination Agreement under which the interest of each Programholder in shares of Venture Fund (which would be held under each Program as a result of the Virginia Fund reorganization) would be converted to direct ownership of share of Venture Fund and the Custodian Agreement between First Virginia and the Custodian would be terminated. Investors who were formerly Programholders would thereupon have all rights of an ordinary record holder of shares of Venture Fund, and would pay no further custodian fees.

Applicants further state that, subsequent to the execution of the Termination Agreement, Venture Fund will offer its shares to persons who were Programholders at the time of the Termination Agreement, but who had not completed the payments called for by their Programs, at the same sales charge which would have been applicable had thier Programs remained in effect. The total amount that might be so invested by each such former Programholder could not exceed the total payments called for by his Program. Such payments will not be accepted after the longer of 20 years from the date of the issuance of the Program in question or the life of the Programholder. The right will not be extended to Programholders who have purchased the Programs without sales charge. The payments will be limited ot $25 or more ($25 being the minimum subsequent investment permitted to be made for shares of Venture Fund, except in the case of the Programholders whose Programs contemplated monthly payment units of $20; such Programholders would be permitted to make payments of $20 or more). CBL and Venture Fund believe that it would be unfair to require holders of Programs contemplated monthly payment units of $20 to abide by the usual minimum subsequent investment requirement of $25 in view of the right of such Programholders to make payments of $20 under their Programs.

If the Termination Agreement is executed, each former Programholder having a right to make investments in Venture Fund at the sales charge which would have been applicable if his Program had remained effect will be notified in writing of such right and of the limitations thereon.

Applicants agree that if the requested order is issued by the Commission, Venture Fund will not enter into any reorganization in which it is not the surviving entity unless a condition of such reorganization is that the surviving entity make available its shares to former Programholders on terms and conditions at least as favorable as those described in the Application. Applicants further agree that First Virginia shall notify any Programholders as of the date of the Termination Agreement of their right pursuant to 27(d) of the Act to exchange their periodic payment plan certificates within 18 months in exchange for a cash refund and to treat any missed payment on shares of Venture Fund on the terms proposed herein as if it were a missed payment within the meaning of Section 27(e) of the Act. All of such refund rights will expire not later than June 30, 1976.

Subsequent to the execution of the Termination Agreement, First Virginia will, as sponsor of and on behalf of the Plan, file with the Commission an application under Section 8(f) of the Act for an order declaring that the Plan has ceased to be an investment company and terminating its registration under the Act.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except through a principal underwriter for distribution or at a current public offering price as described in the prospectus. Rule 22d-1 provides for permissible variations in sales comimssions, none of which are applicable to the proposed transactions. Because the sale of shares at other than the public offering price as proposed by Applicants may be in violation of Section 22(d) and Rule 22d-1, Applicants have requested an exemption from Section 22(d) and Rule 22d-1.

Applicants submit that, for the following reasons, it is 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 for the Commission to enter an order exempting Applicants and the proposed transactions from Section 22(d) of the Act and Rule 22d-1: (1) persons who are parties to statements of intention relating to shares of Virginia Fund and/or Investors Fund would be treated unfairly if they were not given the opportunity to have the investments so made credited to a similar statement of intention relating to shares of Venture Fund and/or Income Fund; (2) providing Programholders with the opportunity to continue to make payments up to the total payments called for by their Programs at the same sales charge which would have been applicable had their Programs remained in effect will afford such investors the opportunity to continue to purchase shares in a manner that will result in the total sales charges paid being at the level contemplated when their Programs were issued; (3) former Programholders will no longer be required to pay custodian fees; (4) neither the Virginia Fund reorganization nor the Investors Fund reorganization will generate substantial brokerage commissions; (5) neither the Virginia Fund reorganization nor the In-

vestors Fund reorganization will burden existing shareholders with the addition of large numbers of additional shareholders having relatively small accounts with consequent increased shareholder's servicing cost since the minimum initial investment in shares of Venture Fund is ordinarily $1,000 and the average shareholder account in Virginia Fund, as of December 31, 1975 considering each Program account as a separate shareholder account, was $4,254, and the minimum initial investment in shares of Income Fund is also, ordinarily, $1,000 and the average shareholder account in Investors Fund on December 31, 1975 was $2,736.

Section 6(c) of the Act provides that the Commission, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 21, 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 addresses 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 in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission orders a hearing up 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 in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13184 Filed 5-4-76;8:45 am]

[Rel. No. 9268; 812-3930]

SMITH BARNEY, HARRIS UPHAM & CO. INCORPORATED ET AL. AND CORPORATE SECURITIES TRUST

Filing of Application Pursuant to Section (c) for Exemptions From Section 14(a) and From Rules 19b–1 and 22c–1

APRIL 28, 1976.

Notice is hereby given that Corporate Securities Trust, Intermediate Term Debt Series 1 and subsequent series (unmanaged unit investment trusts hereinafter called the "Fund" and collectively with Smith Barney, Harris Upham & Co. Incorporated; Loeb Rhoades & Co.; Blyth Eastman Dillon & Co. Incorporated; Shearson Hayden Stone Inc.; and Thomson & McKinnon Auchincloss Kohlmeyer Inc., the "Applicants"), registered under the Investment Company Act of 1940 ("Act") as unit investment trusts, filed an application on March 19, 1976, pursuant to Section 6(c) of the Act for an order (i) exempting Applicants from the provisions of Section 14(a) of the Act (ii) exempting Applicants from the provisions of Rule 19b–1 under the Act; and (iii) exempting the secondary market transactions of Applicants from the provisions of Rule 22c–1. 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.

Applicants include Smith Barney, Harris Upham & Co. Incorporated; Loeb Rhoades & Co.; Blyth Eastman Dillon & Co. Incorporated; Shearson Hayden Stone Inc.; Thomson & McKinnon Auchincloss Kohlmeyer Inc.; and Corporate Securities Trust, Intermediate-Term Debt Series 1, and subsequent series of Fund, each of which is an unmanaged fund, with a portfolio consisting of bonds or preferred stock. Each series is created under Massachusetts law pursuant to a trust agreement ("Trust Agreement") among Smith Barney, Harris Upham & Co. Incorporated; Loeb Rhoades & Co.; Blyth Eastman Dillon & Co. Incorporated; Shearson Hayden Stone Inc.; Thomson & McKinnon Auchincloss Kohlmeyer Inc.; and, possibly, in the case of subsequent series, one or more additional or fewer sponsors (collectively, "Sponsors"), New England Merchants National Bank or, in the case of subsequent series, another bank ("Trustee") and Interactive Data Services, Inc. or, possibly, in the case of subsequent series, another evaluating firm ("Evaluator"). There are provisions for the liquidation of bonds or preferred stock in the portfolio upon the occurrence of certain credit factors and other enumerated events, and the number of units of undivided interest in a series may not be increased after the date of deposit. The units are distributed by the Sponsors during the initial offering period at sales charges which will be specified in the applicable prospectuses.

While the Sponsors are not obligated to do so, it is their intention to maintain a market for units of the Fund and to offer to purchase such units at prices, subject to change at any time, which are based upon the aggregate offering price of the bonds or preferred stock. If the supply of units of such Fund exceeds demand, or for some other business reason, the Sponsors may discontinue purchases of units of any Fund at prices based on the offering prices of bonds or preferred stock in the Fund. In this event the Sponsors may nonetheless purchase units, as a service to unitholders, at a price based on the current redemption price for those units. However, if the Sponsors repurchase units in the secondary market at a price below the offering prices of bonds or preferred stock in any Fund they will tender the units to the Trustee for redemption and will not resell them in the secondary market. During the initial public offering period or thereafter, on a given day the price offered by the Sponsors for the purchase of units shall be an amount not less than the unit value at which units may be redeemed, based on the aggregate bid prices of bonds or preferred stock in the Fund on the date on which the units are tendered for redemption.

SECTION 14(*a*)

Section 14(a) provides, in part, that no registered investment company may make a public offering of its securities unless (i) such company has a net worth of at least $100,000 or (ii) provision is made in connection with the registration of such securities which insures that firm agreements will have been made by which not more than 25 persons will privately purchase securities issued by the company for an aggregate amount which, when added to the then net worth of the company, if any, will equal at least $100,000.

Applicants assert that Section 14(a) of the Act is intended to limit the formation of undercapitalized investment companies. Applicants state that it is intended that each series of the Fund, at the date of deposit and before any unit is offered to the public, will have a net worth far in excess of $100,000, that the Sponsors intend to sell all units to the public at an offering price disclosed in the prospectus, that it is intended that a secondary market for the units be maintained, as described above, and that interest rates and other applicable information concerning the underlying bonds will be discussed in the prospectus. The Sponsors maintain that this course of conduct demonstrates that the danger of the creation of an undercapitalized fund is not present in this case.

The Sponsors have agreed to the requested exemption being subject to the condition that the Sponsors and any other underwriters or dealers participating in the distribution of each series of Fund will refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering, and liquidate the bonds or preferred stock held by such series of Fund and distribute the proceeds thereof, if, within 90 days from the time that the Registration Statement relating to such series becomes effective, either (i) the net worth of the series shall be reduced to less than $100,000 or (ii) such series shall have been terminated. The Sponsors have further agreed to instruct the Trustee on the date of deposit of each series of Fund to terminate such series in the manner provided in the Trust Agreement and distribute the assets thereof to the unitholders in the event redemption by the Sponsors of unsold units results in such series having a net worth of less than 40% of the principal amount of the initial portfolio, and in the event of any such termination the Sponsor will refund, on demand and without reduction, all sales charges to purchasers of units of such series of Fund from the Sponsor or from any underwriter or dealer participating in the distribution.

RULE 19b–1

Rule 19b-1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year.

Applicants seek to follow the course of distributing principal, including any capital gains, and interest or dividends on each series of the Fund to unitholders on a regular basis. Applicants state that distributions of principal constituting capital gains to unitholders are anticipated to arise in the following circumstances: (1) if an issuer calls or redeems an issue held in the portfolio and (2) if bonds or preferred stock are liquidated in order to provide monies necessary to meet redemptions. Applicants state that it is unlikely capital gains will arise from sales of bonds or preferred stock made by the Trustee at the request of the Sponsors after default in payments of principal or interest or dividends or the occurrence of other market or credit factors which, in the opinion of Sponsors, would make retention of such bonds or preferred stock in the Fund series detrimental to the interests of the unitholders.

Applicants state that the dangers against which Rule 19b–1 is intended to guard will not exist in connection with the Fund since neither the Fund nor the Sponsors have control over the events which could trigger capital gains. The Applicants seek to make a combined distribution of principal, including capital gains, and interest or dividends on a regular basis, and state that any capital gains in such distribution will be clearly distinguished from interest or dividends distributions in the accompanying report by the Trustee to unitholders. Applicants state that it would be to the detriment of unitholders if the Fund were forced to withhold monies constituting capital gains from such unitholders until the end of the year.

Applicants point out that paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gains dividends received from a regulated investment company within a reasonable time after receipt. Applicants contend that the purpose behind this provision is to avoid requiring such trusts to accumulate valid distributions received throughout the year until the year-end, and they state that their situation is within the intended objectives of such provision.

RULE 22c–1

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that Investment Company Act Releases Nos. 5413 and 5519 put forward two purposes for Rule 22c–1: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicants state that transactions in units of the Fund in the secondary market cannot dilute the value of outstanding securities since each Fund series consists of a stable portfolio of bonds or preferred stock and each unit represents a fractional undivided interest in that portfolio. By the terms of the Trust Agreement for each series of Fund, the number of units may not be increased, and, therefore, Applicants state that the price at which units are sold or repurchased does not affect the value of either the underlying bonds or the fractional undivided interest in those bonds which is represented by each outstanding unit. Applicants state further that the only instance in which Fund assets are involved in a secondary market transaction is upon redemption of a unit, and in the case of redemption the Fund will follow the practice of daily pricing and forward pricing set forth in Rule 22c–1.

Applicants further assert that secondary market trading in the Fund is not attractive to speculators. They state that each series of Fund is designed for investors who desire fixed income, as reflected in the prospectus. Applicants further state that it might be possible for a speculator to recover the costs of approximating the statistical techniques used by the Evaluator in evaluating the portfolio of a Fund series only by making very large trades in the secondary market. Applicants state that they anticipate that the number of units available in the secondary market will be very limited.

Applicants state that the application of Rule 22c–1 to the Funds, causing additional evaluations of the Fund by the independent Evaluator who is paid for each evaluation, would be so costly as to be significantly detrimental to the interests of the unitholders, particularly in light of the anticipated low volume of secondary market activity.

Applicants state that "backward pricing" is necessary in order that the Sponsors be able to quote a price at which they will purchase Units. Trades accomplished at a price to be determined several days in the future, Applicants contend, would be unsatisfactory to the unitholders as well as to the Sponsors.

Applicants further state that a procedure will be instituted to ensure, without additional cost to investors, that an investor who wishes to dispose of his units will never receive less than the redemption value by selling his units to the Sponsors. The Sponsors propose to obtain from the Evaluator, for each series and on each trading day, a letter to the effect that in its independent judgment it can state that the bid side evaluation is not higher than or equal to the previous Friday's offering side evaluation, and if the Evaluator does not feel that it can give such letter the Sponsor will order a new evaluation. Similarly, in order to minimize the risk that a purchasing investor may be paying more than he would pay if daily evaluations were made the Evaluator will, without a formal evaluation, also determine if the evaluation has decreased by an amount greater than or equal to one half a point. To avoid the Sponsors receiving more than the specified sales charge on the resale of units, the Sponsors have undertaken not to resell any units which they repurchased at a price below the offering side evaluation and if it determines that such a decrease has occurred it will perform a new evaluation which will become the basis for the public offering price until the next succeeding evaluation.

Notice is further given that any interested person may, not later than May 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

request shall be served personally or by mail (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. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12949 Filed 5–4–76;8:45 am]

[Release No. 34–12387; File No. SR–BSE–76–8]

BOSTON STOCK EXCHANGE

Self-Regulatory Organization; Constitutional 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 April 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed constitutional change as follows:

Statement of the Terms of Substance of the Proposed Constitutional Change Article XVIII as it is presently constituted specifically requires the charging of fixed rates of commission, including intra-member rates for floor brokerage. The 1975 Amendments to the Securities Act requires that effective May 1, 1976, the requirement to charge fixed rates of commission be eliminated. Therefore, Article XVIII as it is presently in effect is hereby deleted and Article XVIII be amended to read as follows:

Article XVIII—Commissions—General Rule: "Nothing contained in the Constitution or Rules of this Exchange or its practices shall be construed to require or authorize its members, or member organizations, or any person associated with its members, or member organizations, to agree or arrange directly or indirectly, for the charging of fixed rates of commission for transactions effected on, or effected by the use of, the facilities of this Exchange."

STATEMENT OF BASIS AND PURPOSES

Purpose of the Proposed Constitutional Change. The purpose of the constitutional change was to eliminate any requiremnts to charge commissions.

Basis of the Proposed Constitutional Change.

a (i) Not applicable, (ii) Not applicable, (iii) Not applicable, (iv) Not applicable,(v) Not applicable, (vi) Not applicable, (vii) Not applicable.

Comments Received From Members, Participants or Others on Proposed Constitutional Change. The change was submitted to a vote of the membership and no comments or objections were received.

Burden on Competition. No burden on competition is perceived by adoption of the proposed amendment.

The foregoing Constitutional change has become effective, pursuant to Section 19(b)(3)(B) of the Securities Exchange Act of 1934 ("the Act"). At any time within 60 days of the filing of such proposed Constitutional change, the Commission may summarily abrogate such Constitutional change if it appears to the Commission that such action is necessary or appropriate for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

In Release 34–11203 (January 23, 1975) the Commission announced the adoption of Rule 19b–3 under the Act which prohibits as of May 1, 1975 registered national securities exchanges from prescribing fixed rates of commission on securities transactions (except for floor brokerage commissions). That rule prohibits exchanges from prescribing fixed floor brokerage commission rates as of May 1, 1976. Section 6(e) of the Act as amended by the Securities Acts Amendments of 1975 also prohibits, as of May 1, 1976, an exchange from imposing or fixing floor brokerage commission rates. This rule filing is designed to bring the BSE rules into compliance with the requirements of Section 6(e) and Rule 19b–3. The Commission therefore finds that it is necessary for the protection of investors and the maintenance of fair and orderly markets that this rule change be put into effect summarily.

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, 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, N.W., 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 June 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 29, 1976.

[FR Doc.76–12950 Filed 5–4–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1233]

NEW YORK

Declaration of Disaster Area

Ulster and adjacent counties within the State of New York constitute a disaster area because of damage resulting from tornado like winds on March 21, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 21, 1976, and for economic injury until the close of business on January 21, 1977, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, N.Y. 10007.

or other locally announced locations.

Dated: April 22, 1976.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.76–12980 Filed 5–4–76;8:45 am]

[Declaration of Disaster Loan Area No. 1237]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that the District of Palau in the Trust Territory of the Pacific Islands, constitute a disaster area because of damage resulting from Typhoon Marie, beginning about April 7, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 21, 1976, and for economic injury until the close of business on January 21, 1977, at:

Small Business Administration, Honolulu District Office, 1149 Bethel Street, Honolulu, Hawaii 96813.

or other locally announced locations.

Dated: April 26, 1976.

HAROLD K. FLETCHER,
Acting Administrator.

[FR Doc.76–12981 Filed 5–4–76;8:45 am]

SEATTLE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Seattle District Advisory Council will hold a public meeting at 9:00 a.m., Friday, June 11, 1976, in the Board Room, Seattle-First National Bank, Dexter Horton Branch, Seattle, Washington, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Robert F. Caldwell, U.S. Small Business Administration, 5th Floor—Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104, (206) 399–7791.

Dated: April 28, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–12982 Filed 5–4–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 353, Apr. 1, 1976

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		810 kHz							
CHQR (now in operation with facilities notified in Change List No. 340 dated May 6, 1975).	Calgary, Alberta, N. 50°53'50" W. 114°05'38".	50	DA-2	U	II				
		910 kHz							
CJDV (increase in daytime power, PO 910 kHz, 5 kW, DA-2).	Drumheller, Alberta, N. 51°24'50" W. 112°44'10."	*10D/5N*	DA-2	U	III				EIO Apr. 1, 1977
		920 kHz							
CJCH (increase in power and correction to daytime efficiency, PO 920 kHz, 10 kWD/5kWN, DA-N, ND-D-179).	Halifax, Nova Scotia, N. 44°38'10" W. 63°40'22".	*25*	DA-N ND-D-*185*	U	III				Do.
		930 kHz							
CJCA (PO N. 53°25'45" W. 113°29'30", 930 kHz, 10 kWD/5 kWN, DA-N, ND-D-188).	Edmonton, Alberta, N. 53°*35'09*" W. 113°*28'32*".	*50*	*DA-2*	U	III				Do.
		930 kHz							
CFBC, (PO 930 kHz, 10kWD/5kWN, DA-2).	Saint John, New Brunswick, N. 45°13'55" W., 66°06'15".	*50*	DA-2	U	III				EIO Apr. 1, 1977
		1150 kHz							
CKX (change in daytime power and mode of operation, PO 1150 kHz, 10 kW, DA-N, ND-D-187)	Brandon, Manitoba, N. 49°50'28" W., 100°03'19".	*50D/10N*	*DA-2*	U	III				Do.
		1320 kHz							
CFTJ (correction to Recapitulative List from DA-1)	Cambridge, Ontario, N. 43°19'42" W., 80°20'15".	1	*DA-2*	U	III				
		1400 kHz							
(New) N. 45°56'32" W., 66°42'42".	Fredericton, New Brunswick.	10D/1N	DA-2	U	IV				Do.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-13068 Filed 5-4-76;8:45 am]

[Report No. I-222]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

APRIL 12, 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. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

273-DSE-P/L-76, PILOT BUTTE TRANSMISSION CO., INC., Green River, Wyoming. For authority to construct, own and operate a Common Carrier Domestic Communications Satellite Received-Only earth station at this location. Lat. 41°31'43", Long. 109°27'54". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

274-DSE-P/L-76 COX CABLE COMMUNICATIONS, INC., Spokane, Washington. For authority to construct, own and operate a Domestic Communications Satellite Receive-Only earth station at this location. Lat. 47°40'58", Long. 117°22'59". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

275-DSE-P-76, RCA ALASKA COMMUNICATIONS, INC., Cape Pole, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 55°57'57", Long. 133°47'33". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

276-DSE-P-76, RCA ALASKA COMMUNICATIONS, INC., Chignik Lagoon, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°18'32", Long. 158°32'09". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

277-DSE-P-76, RCA ALASKA COMMUNICATIONS, INC., Karluk, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 57°34'16", Long. 154°27'11". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

278-DSE-P-76, RCA ALASKA COMMUNICATIONS, INC., Nikolski, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 52°56'35", Long. 168°-51'02". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

279-DSE-P-76, RCA ALASKA COMMUNICATIONS, INC., Point Baker, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°21'14", Long. 133°37'13". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

280-DSE-P/L-76 WENTRONICS, INC. d.b.a., COMMUNITY TELEVISION SYSTEMS OF WYOMING, Casper, Wyoming. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 42°48'33", Long. 106°24'07". Rec. freq: 3700–4200 GHz. Emission 34000F9. Using a 10 meter antenna.

INFORMATIVE: Pursuant to Article 9A of the International Radio Regulations (Geneva, 1971), the United States has received the information required for the Advance Publication of the plans of the Administration of Brazil to construct and operate a satellite system for its own domestic communications. This system would eventually consist of three geostationary satellites operating in the 3700–4200 MHz and 5925–6425 MHz bands at orbital locations of 60°, 67.5° and 75° West Longitude. Any comments that the United States may have with respect to potential interference from the planned Brazilian system into United States systems must be furnished to the Administration of Brazil by May 3, 1976. Copies of the information furnished to the United States concerning this satellite system are available for public inspection during regular business hours in Room 537 of the Commission's offices at 1919 M Street NW., Washington, D.C.

[FR Doc.76–13065 Filed 5–4–76;8:45 am]

CB AND AMATEUR RULES

Publication of New Volume

APRIL 27, 1976.

A new volume of Federal Communications Commission Rules and Regulations covering only Part 95—Citizens Radio Service (CB)—has been issued by the Government Printing Office.

The GPO is publishing separately this and two other volumes that together formerly comprised Volume VI and its related subscription update service, which has been discontinued.

The new Part 95 will be available at the GPO Bookstore in Washington, D.C., on May 4, and in the 18 GPO stores throughout the country on May 12. It also may be obtained by mail from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and the Public Documents Distribution Center, Pueblo, Colorado 81009. Those desiring to order in quantity can receive a discount of 25 percent if 100 or more are ordered mailed to the same address.

Part 95 is priced at $1.50, and its GPO stock number is 004–000–00324–1.

Part 97—Amateur Radio Service—is in preparation and will be issued this summer for $1.50. Its stock number is 004–000–00325–0.

Part 99—Disaster Communications Services—will be available in late May at 75 cents per copy. Its stock number is 004–000–00326–8.

The changes were instituted to permit those interested in only one or two of the services previously included in Volume VI (which cost $5.35) to purchase only the separate Part they needed.

In addition to Washington, Part 95 (CB) only will be available on May 12 at GPO bookstores in the following cities:

Atlanta	Denver
Birmingham, Ala.	Detroit
Boston	Jacksonville, Fla.
Canton, Ohio	Kansas City, Mo.
Chicago	Los Angeles
Cleveland	Milwaukee
Dallas	New York City
Philadelphia	San Francisco
Pueblo, Colo.	Seattle

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.76–13066 Filed 5–4–76;8:45 am]

[FCC 76–395]

AM AND FM APPLICATIONS

Limited "Closed" Season on New and Major Change

APRIL 29, 1976.

In its *Report and Order* in Docket 20265, 54 FCC 2d 1 (1975), the Commission modified existing standard broadcast acceptance criteria. These new standards relaxed the more stringent rules then in force to permit continued growth in the AM band. In so acting, the Commisison realized that pent-up demand for AM spectrum space, particularly in rural and suburban communities, might result in an increase in the increase in the backlog to a point where it would become administratively burdensome. Those circumstances would "probably involve the declaration of 'open' and 'closed' seasons for the filing of applications." Since the inception of the more liberalized standards, AM filings have increased over 600 percent and the backlog has doubled. The Division responsible for processing AM applications is also responsible for FM proposals. Due to retirement of key personnel and a high employee turnover rate, the FM backlog has also become "administratively burdensome."

Under these circumstances, the Commission is declaring a limited "closed" season on new and major change AM and FM applications to enable the staff to concentrate their efforts on proposals already on file and reduce the large backlog of applications.

Accordingly, new or major change AM and FM applications will not be accepted for filing and will be returned if they are tendered during that period between the close of business on June 30, 1976, and the close of business on December 31, 1976, unless they fall in one of the categories listed below:

1. Proposals essential to continuing an existing service which cannot be accommodated on a "minor change" or STA basis.

2. Mutually exclusive proposals filed in response to cut-off notices.

3. Applications to replace deleted facilities.

4. Applications mutually exclusive with renewal applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–13067 Filed 5–4–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241, Exemption No. 124]

RAILROADS SERVING CERTAIN AREAS OF WEST BANK OF MISSISSIPPI RIVER

Exemption Under Mandatory Car Service Rules

It appearing, That because of flood conditions the railroads serving stations located along the west bank of the Mississippi River between Keokuk, Iowa and Saverton, Missouri, inclusive, and Quincy, Illinois, are unable to move empty cars to and from such points; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rule 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads serving stations located along the west bank of the Mississippi River between Keokuk, Iowa and Saverton, Missouri, inclusive, and Quincy, Illinois, are authorized to move, place, and accept from shippers located in such stations, general service cars owned by other railroads regardless of the provisions of Car Service Rule 2 (see exception).

Exception: Covered hopper cars and cars usbject to Interstate Commerce Commission Service Orders requiring the return of cars to owners.

Effective: April 27, 1976.

Expires: May 15, 1976.

Issued at Washington, D.C., April 27, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13091 Filed 5–4–76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 20, 1976.

FSA No. 43154—*Chlorine and Related Articles to Points in Georgia.* Filed by Southwestern Freight Bureau, Agent,

(No. B–599), for interested rail carriers. Rates on chlorine, sodium (soda), caustic (sodium hydroxide), and solvents, in tank-car loads, as described in the application, from Plaquemine, Louisiana and Freeport, Texas, to Doctortown, Rosser and Savannah, Georgia.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southwestern Freight Bureau, Agent, tariff 11–G, I.C.C. No. 5217. Rates are published to become effective on May 30, 1976.

FSA No. 43155—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. WEE–16), for itself and interested rail carriers. Rates on general commodities, between ports in the Caribbean, and rail carriers' terminals located in Alabama, Florida, Louisiana and Texas.

Grounds for relief—Water competition.

Tariff—Seatrain International, S. A., tariff I.C.C. No. 21. Rates are published to become effective on June 3, 1976.

FSA No. 43156—*Iron or Steel Pipe and Related Articles to Kingsville, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B–594), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from points in official (including Illinois), southern and western trunk-line territories.

Grounds for relief—Rate relationship.

Tariff—Supplement 94 to Southwestern Freight Bureau, Agent, tariff 259–F, I.C.C. No. 5080. Rates are published to become effective on June 5, 1976.

FSA No. 43157—*Joint Water-Rail Container Rates—Pacific Far East Line, Inc.* Filed by Pacific Far East Line, Inc., (No. 7), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Iraq.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.76–13096 Filed 5–4–76;8:45 am]

[Notice No. 39]

ASSIGNMENT OF HEARINGS

APRIL 30, 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 138875 Sub 27, Shoemaker Trucking Company, A Corp., now being assigned July 26, 1976 (1 week), at Boise Idaho, in a hearing room to be later designated.

MC 114028 (Sub 22), Rowley Interstate Transportation Co., Inc. now being assigned July 16, 1976 (1 day), at Kansas City, Missouri in a hearing room to be later designated.

AB 6 (Sub 18), Burlington Northern Inc., Abandonment Between Lamoni and Mount Ayr, In Ringgold and Decatur Counties, Iowa now being assigned July 13, 1976 (2 days, at Mount Ayr in a hearing room to be later designated.

MC–F 12743, The Chief Freight Lines Company d.b.a. Chief Freight Lines—Purchase—W. V. Williams d.b.a. Williams Transport now being assigned July 19, 1976 (1 week), at Kansas City, Missouri in a hearing room to be later designated.

MC–C 8975, P. A. K. Transport, Inc., Investigation and Revocation of Certificate, now being assigned September 8, 1976 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 110563 Sub 166, Coldway Food Express, Inc., now being assigned September 9, 1976 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 105457 (Sub-No. 84), Thurston Motor Lines, Inc., now being assigned for continued hearing on May 10, 1976, at Charlotte, N.C. (1 week), hearing to start at 1:00 p.m. in the County Commissioner's Board Room, County Office Building, 4th Floor, 720 East Fourth Street.

MC–F–12675, O.N.C. Freight Systems—Control—Rocor Truck Lines; and Rocor International—Control—Altruk Freight Systems, Tractor Inc.; and Americ-Con Cartage, now assigned May 18, 1976, at Washington, D.C. is postponed to June 8, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116200 Sub 2, Unite Parcel Service, Inc., now assigned May 17, 1976, at New York, N.Y. will be held in the Americana City Squire Inn, 51st Street & 7th Avenue.

MC 124783 Sub 16, Kato Express, Incorporated, now assigned May 12, 1976, at Elizabethtown, Ky., will be held in the Cardinal Motel, U.S. 31W.,

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

[FR Doc.76–13089 Filed 5–4–76;8:45 am]

[Released Rates Order No. MC–894; (Released Rates Application No. MC–1379)]

MACHINES, SYSTEMS OR DEVICES, DATA PROCESSING, OR UNITS THAT FORM COMPONENTS OF DATA PROCESSING MACHINES, SYSTEMS OR DEVICES, OR PARTS THEREOF, NOI, CLASSIFICATION RATINGS

APRIL 26, 1976.

By order dated February 12, 1976 (served February 19, 1976), the Commission ordered that this proceeding be reopened for the purpose of entertaining comments as indicated in the prior FEDERAL REGISTER notice herein of February 12, 1976, 41 F.R. 8012 (February 23, 1976), subject to the approval of the United States Court of Appeals for the District of Columbia.

By order filed March 11, 1976, in National Motor Freight Traffic Association, Inc. v. Interstate Commerce Commission and United States of America, the United States Court of Appeals for the District of Columbia Circuit remanded this proceeding to the Commission for further proceedings.

Interested parties are referred to the prior notice, which shall be repeated only to the extent necessary for clarity.

This proceeding was initiated by application filed April 29, 1975, by which the National Motor Freight Traffic Association, Inc., Agent (NMFTA) sought authority to establish and maintain released value ratings on the above-described articles, as follows:

Item No.	Description	Classes LTL	TL	MWF
	Machinery group, subject to item 114000:			
	Business or office, subject to item 115700:			
B (new)	Machines, systems or devices, data processing, or units that form components of data processing machines, systems or devices, see Note, item C, in boxes or packages 548, 786, 1120, or when weighing each not in excess of 1,600 lb, in wirebound crates; or parts thereof NOI, in boxes:			
Sub 1	Released to a value not exceeding $5 per pound	92½	55	24.2
Sub 2	Released to a value exceeding $5 per pound but not exceeding $10 per pound.	150	92½	20.2
Sub 3	Released to a value exceeding $10 per pound but not exceeding $25 per pound.	250	125	20.2
C (new)	NOTE.—The released or declared value of the property must be entered on the shipping order and bill of lading at time of shipment in the following form: "The agree or declared value of the property is hereby stated by the shipper to be not exceeding $_____ per pound." If the shipper fails or declines to execute the above statement or designates a value exceeding $25 per pound, shipment will not be accepted, but if shipment is inadvertently accepted, it will be considered as being released to a value of $5 per pound and the shipment will move subject to such limitations of liability.			

The following presently effective tariff provisions are proposed to be amended or cancelled:

Item No.	Description	Classes LTL	TL	MWF
	Machinery group, subject to item 114000:			
	Business or office, subject to item 115700:			
115740	Accounting card machines (card punching, sorting, or tabulating), in boxes or packages 548, 786, 1120, or when weighing each not in excess of 1,600 lb, in wirebound crates, or parts, NOI, in boxes.	100	70	24.2
115760	Adding or computing machines, or parts, NOI, in boxes	100	70	24.2

CHANGE TO READ

	Machinery group, subject to item 114000:			
	Business or office, subject to item 115700:			
115740	Accounting card machines, etc	(1)	(1)	(1)
115760	Adding or computing machines, NOI, see NOTE, item A, or parts thereof, NOI, in boxes.	100	70	24.2
A (new)	NOTE.—Applies only on hand portable or desktop adding, calculating, or computing machines.			

[1] Cancel, see item B.

International Business Machines Corporation (IBM) filed a petition in support of the application.

The application was denied by the Released Rates Board by order served June 13, 1975. Petitions for reconsideration were filed by NMFTA and IBM, by order served October 1, 1975, the petitions were denied. The order included the following reasons for denial:

1. It has not been shown that the lowest proposed released value represents a fair average value of the commoner forms of the machines and parts.

2. It has not been shown that the rating reduction offered to shippers in connection with the lowest released value is commensurate with the proposed reduction in carrier liability.

3. The elimination of full value ratings, subject to full carrier liability, has not been shown to be justified.

4. The number of claims filed in 1974 is not considered to have been frequent.

5. There has been no evidence presented to show that transit insurance is difficult or unreasonably expensive to maintain.

This proceeding appears to present certain unique problems not presented in the great majority of released rates cases. It is contended, for example, that this relief is necessary to permit competition for this traffic among modes and carriers. The Commission has attempted in this case to balance the interests of the involved carriers and shippers. While no objection to the application has been filed, the Commission may not ignore its duty to represent the public interest, and it has strived to do so in this proceeding. However, the Commission is convinced that comments from affected persons should be sought to determine whether the standards applied in the orders in this proceeding were proper and whether the denial of the petition was in the public interest. The Commission is especially interested in answers to the following questions.

1. Should the released value of the involved commodities have a greater relationship to the average value of the commodity than that proposed by petitioners?

(Participants may also wish to discuss whether the commodity description is too broad. In line with question 3 concerning modification of established criteria and the foregoing suggestion, participants may wish to discuss whether the criteria concerning a wide range in values should be modified to a wide range in values or extraordinary values—which might not necessarily make the amount of the claim difficult to estimate, but which might make a claim catastrophically high. Thus, it might be discussed whether less valuable, more common, or somewhat different types of articles might be separated from the commodity description, while still allowing applicants the possibility of relief.)

2. Should the tariff provide for full value ratings or excess value charges; is this necessary protection for small shippers or are all shippers willing and able to secure their own transit insurance at a reasonable cost; is cargo insurance available to carriers at a reasonable cost? (It should be noted that prior cases have focused on the carriers' ability to obtain cargo insurance.)

3. Petitioners aver that many carriers do not provide transportation service for these commodities due to the high loss and damage claims that could result. They sight a few examples of extraordinarily high claims to support this practice and the need for the released rates proposed. In the past, the Commission has required a greater degree of proof in this area. Specifically, the carriers have been required in most instances to show a relatively high susceptibility to loss and damage and a high ratio of claims to revenue. Should the Commission in this and similar instances modify these or other established criteria?

The Commission desires to know the identity of participants and the nature of their proposed positions and participation before establishing the hearing procedures herein. If no additional parties come forward, or if only new parties expressing complete support for the positions of NMFTA and IBM appear, it would seem that only one statement from each party will be necessary. However, if opposing views are expressed in the response to this notice, it may be necessary to have statements and replies or otherwise set this proceeding for hearing. Therefore, persons expressing a desire to participate should present a brief statement of their position (and suggested hearing procedure) along with their notice of intended participation.

It is ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make that fact known (together with a brief statement of their views) by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C., 20423, on or before 21 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having a common interest should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for handling under the procedure best calculated to result in complete exposition of views and a just and reasonable result.

And it is further ordered, That a copy of this order be served upon counsel for the National Motor Freight Traffic Association, Inc., Agent and International Business Machines Corporation; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2, Commissioners Hardin, O'Neal and Clapp.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13095 Filed 5-4-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

APRIL 30, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publications. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 73165 (Sub-No. 342G) (Republication), filed June 4, 1974, noticed in the FEDERAL REGISTER issue of October 30, 1975, with respect to Parts (1)–(68),

and noticed in this issue to indicate a broadened grant of authority with respect to Parts (69)–(73) below. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). An Order on Further Proceedings of the Commission, Review Board Number 2, dated March 26, 1976 and served April 20, 1976, finds (1) that the order entered on January 16, 1976 in this matter is vacated and set aside; and (2) as pertinent, 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 (69) *contractors' equipment, and roadbuilding machinery* consisting of contractors' outfits, which because of size or weight require the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, from Peoria, Ill., and Milwaukee, Wis., to points in Georgia and those in Florida on and north of a line beginning at St. Petersburg, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard, and from Peoria, Ill., to points in Mississippi; (70) *road and bridge building machinery and material*, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines), from Milwaukee, West Allis, and Waukesha, Wis., to points in Texas northwest of a line beginning at the Arkansas-Texas State boundary line and extending along U.S. Highway 79 to Round Rock, Tex., thence along Interstate Highway 35 to Austin, Tex., thence along U.S. Highway 290 to Ft. Stockton, Tex., thence along U.S. Highway 67 to the Texas-Mexico International boundary line and from Decatur and Peoria, Ill., to Lake Charles and Reston, La.

(71) *Road and bridge building machinery and materials*, consisting of self-propelled articles, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, from Milwaukee, West Allis, and Waukesha, Wis., to the points in Texas as described in part (70) above, and from Decatur and Peoria, Ill., to Reserve, Lake Charles, and Reston, La.; (72) *contractors' outfits and equipment*, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies, incidental to and used in connection with the construction, dismantling, and repairing of pipelines, and commodities of unusual value, dangerous explosives, household goods as defined by the Commission, and those requiring special equipment), from points in Illinois to points in Georgia and Mississippi; and (73) *contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery tools, parts, and supplies* moving in connection therewith (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Illinois to points in Georgia and Mississippi; 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 applicant's broadened grant of authority.

No. MC 109689 (Sub-No. 274G), filed June 1, 1974. Applicant: W. S. HATCH CO., a Corporation, 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: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Utah. (2) *Dry chemicals*, in bulk, from Coconino County, Ariz., to points in Arizona. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (3) *Liquid chemicals*, in bulk, in tank vehicles (except sulfuric acid), from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in California. The purpose of this filing is to eliminate the gateway of points in Utah. (4) *Liquid chemicals*, in bulk, in tank vehicles, from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (5) *Dry chemicals*, in bulk, from points in Coconino County, Ariz., to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(6) *Liquid chemicals*, in bulk, in tank vehicles (except sulfuric acid), from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (7) *Dry chemicals*, in bulk, from points in Coconino County, Ariz., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (8) *Liquid chemicals*, in bulk, in tank vehicles (except sulfuric acid), from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Utah. (9) *Dry chemicals*, in bulk, from points in Coconino County, Ariz., to points in Nevada. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (10) *Liquid chemicals*, in bulk, in tank vehicles, from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (11) *Dry chemicals*, in bulk, from Coconino County, Ariz., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (12) *Liquid chemicals*, in bulk, in tank vehicles (except sulfuric acid), from points in Chandler and W. Chandler, Ariz., and points within 5 miles of each, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (13) *Dry chemicals*, in bulk, from points in Coconino County, Ariz., to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(14) *Dry chemicals*, in bulk, from points in Coconino County, Ariz., to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (15) *Dry chemicals*, in bulk, in tank vehicles, from points in Coconino County, Ariz., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (16) *Liquid chemicals*, in bulk, in tank vehicles, from points in California, to points in California. The purpose of this filing is to eliminate the gateway of points in Utah. (17) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in California, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (18) *Dry chemicals*, in bulk, from points in California, to points in Montana. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (19) *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in California, to points in Montana. The purpose of this filing is to eliminate the gateway of points in Utah. (20) *Liquid chemicals and acids*, in bulk, from points in California, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah. (21) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in California, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (22) *Liquid and dry chemicals*, in bulk, in tank vehicles, from California, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (23) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in California, to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(24) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in California, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (25) *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in Colorado, to points in Arizona. The purpose of this filing is to eliminate the gateway of

points in Utah. (26) *Dry chemicals*, in bulk, from points in Colorado, to points in Arizona on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Grand Junction, Colo. (27) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Colorado, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Utah. (28) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in Colorado, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (29) *Liquid and dry chemicals*, in bulk, from points in Colorado, to points in Montana. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (30) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in Colorado, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (31) *Dry chemicals*, in bulk, from points in Colorado, to points in Nevada. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (32) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Colorado, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah. (33) *Liquid feed supplement and mineral oil*, in bulk, from points in Ft. Lupton, Colo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah.

(34) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in Colorado, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (35) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in Colorado, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (36) *Liquid and dry chemicals*, in bulk, in tank vehicles, from points in Colorado, to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (37) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Colorado, to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah. (38) *Dry chemicals*, in bulk, from points in Colorado, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (39) *Liquid phosphoric acid and fertilizer solutions*, in bulk, in tank vehicles, from points in Idaho, to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah. (40) *Liquid caustic soda*, in bulk, from points in Heyburn, Idaho, to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah. (41) *Liquid caustic soda*, in bulk, from points in Heyburn, Idaho, to points in Montana. The purpose of this filing is to eliminate the gateway of points in Utah. (42) *Phosphoric acid, super phosphate, and fertilizer solutions*, in bulk, from points in Idaho, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Cheyenne, Wyo. (43) *Sulfuric acid*, in bulk, from Pocatello, Idaho, and points within 5 miles thereof, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(44) *Liquid caustic soda*, in bulk, from Heyburn, Idaho, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (45) *Phosphoric acid, super phosphate, and fertilizer solutions*, in bulk, from points in Idaho, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (46) *Sulfuric acid*, in bulk, in tank vehicles, from Pocatello, Idaho, and points within 5 miles thereof, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (47) *Liquid caustic soda*, in bulk, from Heyburn, Idaho, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (48) *Sulfuric acid*, in bulk, from Pocatello, Idaho, and points within 5 miles thereof, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Little Mountain, Utah and Cheyenne, Wyo. (49) *Phosphoric acid, super phosphate, and fertilizer solution*, in bulk, from points in Idaho, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (50) *Sulfuric acid*, in bulk, in tank vehicles, from Pocatello, Idaho, and points within 5 miles thereof, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(51) *Liquid caustic soda*, in bulk, from Heyburn, Idaho, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (52) *Liquid fertilizers, including fertilizer solutions and liquid fertilizer ingredients* (except phosphoric acid from Anaconda, Mont.), from Deer Lodge, Silver Bow, and Jefferson Counties, Mont., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (53) *Liquid fertilizers, including fertilizer solutions and liquid fertilizer ingredients* (except phosphoric acid from Anaconda, Mont.), from Deer Lodge, Silver Bow, and Jefferson Counties, Mont., to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (54) *Liquid fertilizers, including fertilizer solutions and liquid fertilizer ingredients* (except phosphoric acid from Anaconda, Mont.), from Deer Lodge, Silver Bow, and Jefferson Counties, Mont., to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (55) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Nevada, to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah. (56) *Liquid chemicals*, in bulk, in tank vehicles, from points in Nevada, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (57) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Nevada, to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Utah. (58) *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Nevada, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah.

(59) *Liquid chemicals*, in bulk, in tank vehicles, from points in Nevada, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (60) *Liquid chemicals*, in bulk, in tank vehicles, from points in Nevada, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (61) *Liquid chemicals*, in bulk, in tank vehicles, from points in Nevada, to points in Texas. The purpose of this filing is to eliminate the gateways of points in Utah and Chandler and W. Chandler, Ariz., and points within 5 miles of each, and Little Mountain, Utah. (62) *Liquid chemicals*, in bulk, in tank vehicles, from points in Nevada, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (63) *dry chemicals*, in bulk, from points in New Mexico, to points in Arizona. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (64) *Dry chemicals*, in bulk, from points in New Mexico, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (65) *Dry chemicals*, in bulk, from points in New Mexico, to points in Montana. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (66) *Dry chemicals*, in bulk, from points in New Mexico, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (67) *Dry chemicals*, in bulk, from points in New Mexico, to points in Nevada. The purpose of this filing is to eliminate the gateways of points in California and Little Mountain, Utah. (68) *Dry chemicals*, in bulk, from points in New Mexico, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(69) *Dry chemicals*, in bulk, from points in New Mexico, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (70) *Dry chemicals*, in bulk, from points in New Mexico, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (71) *Dry chemicals*, in bulk, from points in New Mexico, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (72) *Dry chemicals*, in bulk, from points in New Mexico, to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (73) *Dry chemicals*, in bulk, from points in New Mexico, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (74) *Caustic soda, dry*, in bulk, from Portland, Oreg., to points in Coconino County, Ariz. The purpose of this filing is to eliminate the gateway

of points in Colorado. (75) *Caustic soda, dry,* in bulk, from Portland, Oreg., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

(76) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah. (77) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in Montana. The purpose of this filing is to eliminate the gateway of points in Utah. (78) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in Nevada. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (79) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (80) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (81) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (82) *Sodium chlorate,* in bulk, from Portland, Oreg., to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(83) *Dry chemicals,* in bulk, from points in Utah, to points in Arizona. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (84) *Fertilizer and fire retardants, dry,* in bulk (except petroleum products), from points in Utah, to points in Arizona. The purpose of this filing is to eliminate the gateway of Erda, Utah. (85) *Reduced petroleum crude oil,* in bulk, from points in Utah, to points in Arizona. The purpose of this filing is to eliminate the gateways of Garfield County, Utah, and Fredonia, Ariz. (86) *Dry chemicals,* in bulk, from points in Utah, to points in Idaho. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (87) *Liquid and dry chemicals and acids,* in bulk, from points in Utah, to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (88) *Dry chemicals,* in bulk, from points in Utah, to points in Montana. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (89) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (90) *Dry chemicals,* in bulk, from points in Utah, to points in Nevada. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (91) *Fertilizer and fire retardants, dry,* in bulk (except petroleum products), from points in Utah, to points in Nevada. The purpose of this filing is to eliminate the gateway of Erda, Utah.

(92) *Reduced petroleum crude oil,* in bulk, from points in Utah, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Garfield County, Utah, and Fredonia, Ariz. (93) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (94) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (95) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (96) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (97) *Liquid and dry chemicals and acids,* in bulk, in tank vehicles, from points in Utah, to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (98) *Dry chemicals,* in bulk, from points in Utah to points in Wyoming. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (99) *Caustic soda,* dry, in bulk, from Tacoma, Wash., to points in Coconino County, Ariz. The purpose of this filing is to eliminate the gateway of points in Colorado. (100) *Caustic soda,* dry, in bulk, from Tacoma, Wash., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

(101) *Caustic soda, dry,* in bulk, from Tacoma, Wash., to points in Utah. The purpose of this filing is to eliminate the gateway of points in Colorado. (102) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Utah. (103) *Sulfuric acid,* in bulk, from Riverton Wyo., and points within 10 miles thereof, to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah. (104) *Soda ash,* from Sweetwater County, Wyo., to points in Kansas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (105) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Utah. (106) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of points in Utah. (107) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (108) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah. (109) *Fertilizer, fertilizer solutions, fertilizer ingredients and nitric acid,* liquid, in bulk; *urea,* dry, in bulk, *urea solutions, and ammonium nitrate solutions,* in bulk, in tank vehicles, from Cheyenne, Wyo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Utah.

(110) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (111) *Soda ash,* from Sweetwater County, Wyo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (112) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (113) *Fertilizer, fertilizer solutions, fertilizer ingredients, and nitric acid,* in bulk, from Cheyenne, Wyo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (114) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Oregon. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (115) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (116) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Texas. The purpose of this filing is to eliminate the gateway of points in Utah. (117) *Fertilizer, fertilizer solutions, fertilizer ingredients, and nitric acid,* in bulk, from Cheyenne, Wyo., to points in Texas. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (118) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Washington. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah.

(119) *Soda ash,* from Sweetwater County, Wyo., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Little Mountain, Utah. (120) *Sulfuric acid,* in bulk, from Riverton, Wyo., and points within 10 miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah. (121) *Fertilizer, fertilizer solutions, fertilizer ingredients, and nitric acid,* in bulk; *urea,* dry, in bags or in bulk, *urea solutions and ammonium nitrate solutions,* in bulk, in tank vehicles, from Cheyenne, Wyo., to points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Utah and Little Mountain, Utah.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 49052 (Sub-No. E23) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1975, and republished in the FEDERAL REGISTER November 5, 1975, and republished, as shown, this issue. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lee, Russell, Barbour, Henry, and Houston Counties, Ala., on the one hand, and, on the other, points in Tennessee; between points in Lee, Macon, Russell, Bullock, Pike, Barbour, Coffee, Dale, Henry, Geneva, and Houston Counties, Ala., on the one hand, and, on the other, points in Tennessee in and east of Henry, Benton, Humphreys, Dickson, Williamson, Rutherford, Bedford, and Moore Counties; between points in Alabama in and south of Lee, Macon, Bullock, Pike, Crenshaw, Butler, Monroe, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Tennessee in and east of Marion, Grundy, Warren, De Kalb, Smith, Trousdale, and Macon Counties; between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Dallas, Morengo, and Choctaw Counties, on the one hand, and, on the other, points in Tennessee in and east of Monroe, Blount, Knox, Union, and Claiborne Counties; and, points in Elmore, Autauga, Lowndes, and Montgomery Counties, Ala., on the one hand, and, on the other, points in Tennessee, in and east of Bradley, Clay, Rhea, Bledsoe, Meigs, White, Putnam, and Jackson Counties. The purpose of this filing is to eliminate the gateway of Muscogee County, Ga. The purpose of this correction is to correct the territorial description.

No. MC 78228 (Sub-No. E260) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER August 6, 1975, and republished as shown, this issue: Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John M. Rumin, Wick, Vuona & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron and coke*, in dump vehicles, from points in that part of Ohio on, south and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, and thence along Interstate Highway 75 to the Ohio-Michigan State line to points in that part of New York on and east of a line beginning at the United States-Canada Border, thence along New York Highway 87 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 58, thence along New York Highway 58 to junction New York Highway 3, thence along New York Highway 3 to Remington Corners, N.Y., thence along an unnumbered highway to junction New York Highway 26A to the junction New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to reassign a new E number (E260) for a duplicate numer (E15).

No. MC 92983 (Sub-No. E52), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Wisconsin to points in Missouri located in Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Saline, Scotland, and Shelby Counties, (2) from points in Wisconsin located in, east, and south of Crawford, Vernon, Monroe, Juneau, Wood, Clark, Taylor, Price, and Iron Counties to points in Missouri located in Carroll, Grundy, Linn, Livingston, Mercer, Putnam, Schuyler, and Sullivan Counties, (3) from points in Wisconsin located in Burnett, Polk, St. Croix, Pierce, and Pepin Counties and points located on and west of a line extending from the northern border of Buffalo County along Wisconsin Highway 37 to junction Wisconsin Highway 88, thence along Wisconsin Highway 88 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction U.S. Highway 53, thence along U.S. Highway 53 to La Crosse to points in Indiana located in and south of Warren, Clinton, Tipton, Madison, Delaware, and Randolph Counties and points in Tippecanoe County located on and south of Indiana Highway 26, (4) from points in Wisconsin located in and west of Grant, Richland, Vernon, Juneau, Wood, Clark, Taylor, Price, and Ashland Counties [except those points in Wisconsin described in (3) above] to points in Indiana located in and west of Vigo, Sullivan, Greene, Lawrence, Washington, and Clark Counties, (5) from points in Wisconsin located in and west of Grant, Iowa, Sauk, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties to points in Illinois located in Hancock, Adams, Brown, Pike, Scott, Green, Calhoun, and Jersey Counties and points on and west of a line extending from the Mississippi River along U.S. Highway 40 to junction Illinois Highway 159, thence along Illinois Highway 159 to the northern border of Madison County, (6) from points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties to points in Illinois located in and west of Hancock, Schuyler, Cass, Sangamon, Christian, and Montgomery Counties and points in Fayette, Bond, Madison, and St. Clair Counties located on and north of U.S. Highway 40 [except those points in Illinois described in (5) above], (7) from points in Wisconsin to points in Missouri located in Cole and Warren Counties.

(8) From points in Wisconsin located in, west, and north of Lafayette, Columbia, Greenlake, Fond du Lac, Calumet, Brown, and Kewaunee Counties and points in Dane County located on and west of a line extending from the northern border along U.S. Highway 151 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the southern border of St. Charles County, Mo., (9) from points in Wisconsin located on and west of a line extending from LaCrosse along Wisconsin Highway 35 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line to points in Illionis located on and north of U.S. Highway 24, and (10) from points in Wisconsin located in and west of LaCrosse and Tremepealeau Counties and points located on and west of a line extending from the southern border of Eau Claire County along Wisconsin Highway 27 to the western border of Douglas County, thence along the western border to Lake Superior [except those points in Wisconsin described in (11) above] to points in Illinois located on and north of U.S. Highway 24, except

those points located east of a line extending from the Illinois-Wisconsin State line along Illinios Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line; (B) *Such petroleum* and *petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, *such acids* and *chemicals* as are embraced within contractors' materials and supplies, in bulk, in tank or hopper vehicles, from points in Wisconsin located on and south of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Interstate Highway 94, thence along Interstate Highway 94 to Milwaukee, on Lake Michigan to points in Minnesota located in and west of Mower, Steele, Waseca, LeSueur, Sibley, McLeod, Meeker, Douglas, Otter Tail, Becker, and Norman Counties and points in Stearns County located on and west of a line extending from the southern border along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to the northern border.

(C) *Such liquid chemicals* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Wisconsin located in and west of Lafayette, Iowa, Sauk, Adams, Portage, Marathon, Lincoln, Oneida, and Vilas Counties to points in North Carolina, (2) from Madison, Wis., to points in North Carolina located in and east of Granville, Durham, Wake, Harnett, Cumberland, and Robeson Counties, (3) from points in Wisconsin located in and west of Rock, Dane, Columbia, Greenlake, Waushara, Waupaca, Shawano, Menominee, Langlade, Forest, and Florence Counties to points in Rhode Island, (4) from points in Wisconsin located in and west of Green, Dane, Columbia, Marquette, Adams, Portage, Marathon, Lincoln, Oneida, and Vilas Counties to points in Connecticut, (5) from points in Wisconsin located in and west of Lafayette, Iowa, Sauk, Adams, and Woods Counties and points located on and west of a line extending from the southern border of Marathon County along U.S. Highway 51 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to the Wisconsin-Michigan State line to points in New Jersey and to points in Pennsylvania located in and east of Lancaster, Berks, Lehigh, Carbon, and Wayne Counties and points in Lackawanna County located on and east of a line extending from the western border along Interstate Highway 81 to junction U.S. Highway 6, thence along U.S. Highway 6 to the eastern border, (6) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 61 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the Black River to the northern border of Clark County and points located in and west of Chippewa, Rusk, Sawyer, and Ashland Counties to points in Pennsylvania [except those points in Pennsylvania described in (5) above], (7) from points in Wisconsin located on and west of a line extending from LaCrosse along U.S. Highway 53 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction Wisconsin Highway 88, thence along Wisconsin Highway 88 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to the northern border of Buffalo County and points located in Pepin, Pierce, Dunn, St. Croix, Polk, and Burnett Counties to points in Indiana located in and south of Vermillion, Parke, Montgomery, Boone, Hamilton, Hancock, Henry, and Wayne Counties (except Posey and Vanderburgh Counties).

(8) From points in Wisconsin located in and west of Grant, Crawford, Vernon, Monroe, Jackson, Clark, Taylor, Price, and Ashland Counties to points in Indiana located in Posey and Vanderburgh Counties, (9) from points in Wisconsin loated in and east of Green, Dane, Dodge, Fond du Lac, Winebago, Outagamie, and Brown Counties to points in Nebraska located in and north of Kimball, Cheyenne, Garden, Arthur, McPherson, Logan, Custer, Valley, Greeley, Nance, Platte, Colfax, Dodge, and Washington Counties, (10) from points in Wisconsin located in and east of Grant, Crawford, Monroe, Clark, Taylor, Price, and Iron Counties and points in Vernon County located on and east of Wisconsin Highway 27 and points in Jackson County located east of the Black River to points in Nebraska located in and south of Douglas, Saunders, Butler, Polk, Merrick, Howard, Sherman, Buffalo, Dawson, Lincoln, Keith and Deuel Counties, (11) from points in Wisconsin located on and west of a line extending from LaCrosse along U.S. Highway 53 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction Wisconsin Highway 88, thence along Wisconsin Highway 88 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to the northern border of Buffalo County and points located in Pepin, Pierce, Dunn, St. Croix, Polk, and Burnett Counties to points in Illinois located in and south of Mercer, Knox, Peoria, Tazewell, McLean, Champaign, and Vermillion Counties, and (12) from points in Wisconsin located in and west of Grant, Crawford, Vernon, Monroe, Jackson, Clark, Taylor, Price, and Ashland Counties [except those points in Wisconsin described in (11) above] to points in Illinois located in and west of Henderson, McDonough, Schuyler, Cass, Morgan, Macoupin, Madison, Bond, Clinton, Marion, Jefferson, Hamilton, and White Counties and points in Mercer County located on and west of Illinois Highway 94; (D) *Such acids* and *chemicals* as are embraced within contractors' materials and supplies, in bulk, (1) from points in Wisconsin located in and east of Grant, Richland, Sauk, Columbia, Marquette, Waushara, Winnebago, Outagamie, and Brown Counties to points in Missouri located in, north, and west of Pike, Montgomery, Gasconade, Phelps, Texas, and Howell Counties, and (2) from points in Wisconsin located in, north, and west of Crawford, Vernon, Juneau, Adams, Portage, Waupaca, Shawano, Menominee, and Oconto Counties to points in Missouri located in and east of Lincoln, Warren, Franklin, Crawford, Dent, Shannon, and Oregon Counties.

(E) *Such paint* and *paint materials* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Wisconsin located in and south of Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, and Crawford Counties to points in Minnesota, (2) from points in Wisconsin located in Sheboygan, Ozaukee, Washington, and Dodge Counties to points in Minnesota (except Pine, Carlton, Itasca, Koochiching, St. Louis, Lake, Cook, Winona, and Houston Counties), (3) from points in Wisconsin located in and west of Grant, Iowa, Sauk, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties to points in Illinois located on and west of a line extending from Savanna, on the Mississippi River along Illinois Highway 84 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Ohio River (except the plant site of the Anderson-Clayton plant near Jacksonville), and (4) from points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties to points in Illinois located on and south of a line extending from the Mississippi River along Illinois Highway 64 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Illinois-Indiana State line [except those points in Illinois described in (3) above] and to points in Indiana; (F) *Such liquefied petroleum gas* as is embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Wisconsin located in and west of Grant, Iowa, Sauk, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties to points in Illinois located in Hancock, Adams, Brown, Pike, Scott, Greene, Calhoun, and Jersey Counties and points located on and west of a line extending from the Mississippi River along the southern and eastern borders of Randolph County to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 13, thence

along Illinois Highway 13 to junction Illinois Highway 159, thence along Illinois Highway 159 to the northern border of Madison County, and (2) from points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties to points in Illinois located in and south of Mercer, Knox, Peoria, Tazewell, Logan, Macon, Shelby, Effingham, Jasper, Richland, and Lawrence Counties [except those points in Illinois described in (1) above].

(G) *Such liquid chemicals* as are embraced within contractors' materials and supplies, in bulk, (1) from points in Wisconsin located in and west of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, Crawford, and Grant Counties to points in Ohio located in and north of Darke, Miami, Clark, Madison, Franklin, Licking, Muskingum, Noble, and Monroe Counties, and (2) from points in Wisconsin located in and west of Lafayette, Iowa, Sauk, Juneau, Wood, Lincoln, Oneida, and Vilas Counties and points in Marathon County located on and west of U.S. Highway 51 to points in Ohio located in and south of Preble, Montgomery, Greene, Fayette, Pickaway, Fairfield, Perry, Morgan, and Washington Counties; (H) *Crude soybean oil*, in bulk, in tank vehicles, (1) from points in Wisconsin located in and west of Grant, Crawford, Vernon, LaCrosse Trempealeau, that portion of Eau Claire County located on and west of Wisconsin Highway 27, Chippewa, Rusk, Sawyer, and Bayfield Counties to Cincinnati and Ivorydale, Ohio, (2) from points in Wisconsin located on and west of a line beginning at the Illinois-Wisconsin State line and extending along the eastern border of Green County, thence along Wisconsin Highway 138 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line to Port Ivory and New York City, N.Y., and (3) from points in Wisconsin to Sherman, Tex.; (I) *Inedible fats, tallows, and greases* (except those derived from petroleum), in bulk, in tank vehicles, (1) from points in Wisconsin to Sherman, Tex., (2) from points in Wisconsin located in, north, and west of Rock, Jefferson, Dodge, Fond du Lac, Calumet, and Manitowoc Counties to New York City and Port Ivory, N.Y., (3) from points in Wisconsin located on and west of a line extending from the Illinois-Wisconsin State line along Wisconsin Highway 69 to junction Wisconsin Highway 92, thence along Wisconsin Highway 92 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 34, thence along Wisconsin Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to Cincinnati and Ivorydale, Ohio.

(4) From points in Wisconsin located on and west of a line extending from the Illinois-Wisconsin State line along Wisconsin Highway 84 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction unnumbered highways, thence along unnumbered highways to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Ashland, Wis., to Chicago, Chicago Heights, and Rockford, Ill., (5) from points in Wisconsin located on, north, and west of a line extending from the Illinois-Wisconsin State line along Wisconsin Highway 69 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to juncton Wisconsin Highway 184, thence along Wisconsin Highway 184 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 59, thence along Wisconsin Highway 59 to junction Wisconsin Highway 164, thence along Wisconsin Highway 164 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to Bayside, Wis., to East St. Louis, Ill., and (6) from points in Wisconsin located on and west of a line extending from the Illinois-Wisconsin State line along Wisconsin Highway 84 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 34, thence along Wisconsin Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 101, thence along Wisconsin Highway 101 to Florence, Wis., to Decatur, Ill.

(J) *Lard and animals fats*, in bulk, in tank vehicles, (1) from points in Wisconsin located in and west of Marinette, Oconto, Outagamie, Winnebago, Greenlake, Columbia, Dane, and Green Counties to points in North Carolina and Tennessee (except Memphis), to points in Virginia (except those located in Lee, Scott, Wise, Russell, Dickinson, Buchanan, and Tazewell Counties), (2) from points in Wisconsin located in Ozaukee, Milwaukee, Waukesha, Walworth, Racine, and Kenosha Counties to points in Mississippi located in and south of Bolivar, Sunflower, Leflore, Carroll, Attala, Neshoba, and Lauderdale Counties, (3) from points in Wisconsin (except those located in Ozaukee, Milwaukee, Wausheka, Walworth, Racine, and Kenosha Counties) to points in Mississippi, (4) from points in Wisconsin located east of Rock, Jefferson, Dodge, Fond du Lac, Calumet, and Brown Counties to points in Alabama located in and south of Choctaw, Clarke, Baldwin, and Escambia Counties and to points in Florida located in Escambia, Santa Rosa, and Okaloosa Counties and points located on and south of U.S. Highway 98 from the western border of Walton County to Apalachicola, on the Gulf of Mexico, (5) from points in Wisconsin located in and west of Rock, Jefferson, Dodge, Fond du Lac, Calumet, and Brown Counties to points in Alabama, Georgia, Florida, and South Carolina, (6) from points in Wisconsin located in Florence, Forest, Marinette, Langlade, Oconto, Menominee, Shawano, Waupaca, Outagamie, Winnebago, Waushara, Greenlake, and Rock Counties to points in Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, to points in Maryland (except Garrett and Alleghany Counties) to points in New York located in and east of Wayne, Ontario, Yates, Schuyler, and Chemung Counties (except New York and Port Ivory), to points in Pennsylvania located in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, Cumberland, and Adams Counties and to points in West Virginia located in Berkeley and Jefferson Counties, (7) from points in Wisconsin located in and west of Vilas, Oneida, Lincoln, Marathon, Portage, Adams, Marquette, Columbia, Dane, and Green Counties to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (except New York and Port Ivory), Pennsylvania, Rhode Island, Vermont, and West Virgina and to points in Virginia located in Lee, Scott, Wise, Russell, Dickenson, Buchanan, and Tazewell Counties.

(8) From points in Wisconsin located in and west or Grant, Crawford, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties and points located on and west of a line extending from the northern border of Richland County along Wisconsin Highway 131 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 12, thence along U.S. Highway 12 to the southern border of Eau Claire County to points in Michigan located in and south

of Van Buren, Kalamazoo, Calhoun, Jackson, Washitenaw, and Wayne Counties, (9) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 61 to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to Danbury, on the St. Croix River to points in Illinois (except Chicago, Chicago Heights, Decature, East St. Louis, and Rockford), (10) from points in Wisconsin located in and west of Grant, Crawford, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties and points located on and west of a line extending from the northern border of Richland County along Wisconsin Highway 131 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 12, thence along U.S. Highway 12 to the southern border of Eau Claire County to points in Indiana, (11) from points in Wisconsin located in and west of Grant, Richland, Vernon, Monroe, Jackson, Taylor, Price, and Iron Counties and points located on and west of a line extending from the northern border of Marathon County along Wisconsin Highway 97 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to the southern border of Wood County to points in Ohio (except Cincinnati and Ivorydale), (12) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 78 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 34, thence along Wisconsin Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 through Wausau to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to the Wisconsin-Michigan State line to points in Kentucky, (13) from points in Wisconsin located in Washington, Ozaukee, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties to points in Arkansas (except those located in Clay, Greene, Craighead, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Lee, and Phillips Counties), and (14) from points in Wisconsin (except those located in Washington, Ozaukee, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties) to points in Arkansas.

(K) *Fats*, in bulk, in tank vehicles, (1) from points in Wisconsin located in and north of Crawford, Richland, Sauk, Adams, Marquette, Waushara, Waupaca, Shawano, Octonto, and Marinette Counties to points in Missouri located in and east of Ralls, Pike, Montgomery, Gasconade, Phelps, and Howell Counties and points in Texas County located east of U.S. Highway 63, (2) from points in Wisconsin located in and east of Grant, Iowa, Dane, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties to points in Missouri located in, west, and north of Marion, Monroe, Audrain, Callaway, Osage, Maries, Pulaski, Douglas, and Ozark Counties and points in Texas County located on and west of U.S. Highway 63, (3) from points in Wisconsin (except those located in Pepin, Pierce, Dunn, St. Croix, Polk, Barron, Burnett, Washburn, and Douglas Counties) to points in Kansas, (4) from points in Wisconsin located in, south, and east of Crawford, Richland, Sauk, Juneau, Wood, Marathon, Langlade, and Forest Counties to points in Nebraska, (5) from points in Wisconsin located in Vernon, LaCrosse, Monroe, Trempealeau, Jackson, Eau Claire, Clark, Taylor, Lincoln, Price, Oneida, Ashland, Iron, and Vilas Counties to points in Nebraska located in and south of Douglas, Sarpy, Cass, Lancaster, Seward, York, Clay, Adams, Kearney, Phelps, Furnas, and Red Willow Counties, (6) from points in Wisconsin located in and south of LaCrosse, Monroe, Juneau, Adams, Portage, Shawno, Menominee, Oconto, and Marinette Counties to points in Idaho located in Twin Falls, Owyhee, Ada, Canyon, and Payette Counties to points in Nevada and to points in Oregon located in, south, and west of Malheur, Grant, Wheeler, Jefferson, Marion, Clackamas, and Multnomah Counties, (7) from points in Wisconsin located in, east, and south of Buffalo, Eau Claire, Clark, Taylor, Price, and Vilas Counties (except those points in Wisconsin described in (6) above) to points in Nevada (except Elko County and points in Humboldt County located north of a line extending from the eastern border along Nevada Highway 18 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 49, thence along Nevada Highway 49 to the southern border) and to points in Oregon located in Douglas, Coos, Curry, Josephine, Jackson, and Klamath Counties, (8) from points in Wisconsin located in and west of Pepin, Dunn, Chippewa, Rusk, Sawyer, Ashland, and Iron Counties to Clark County, Nev., (9) from points in Wisconsin located in Kenosha, Racine, Walworth, Rock, Green, and Lafayette Counties and points in Grant County located on and south of a line extending from the western border along the Platt River to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 151, thence along U.S. Highway 151 to the eastern border to points in Idaho (expect those located in Twin Falls, Owyhee, Ada, Canyon, and Payette Counties) to points in Oregon located in Baker, Wall Owa, Union, Umatilla, Morrow, Gilliam, Sherman, Wasco, and Hood River and to points in Washington and Wyoming, and

(10) From points in Wisconsin located in and south of Lafayette, Green, Dane, Dodge, Fond du Lac, Sheboygan, and Manitowac Counties and points in Grant County located on and south of a line extending from the eastern border along Wisconsin Highway A to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to Cassville, on the western border [except those points in Wisconsin described in (9) above] to points in Idaho located in and south of Lemhi, Valley, and Adams Counties (except Twin Falls, Owyhee, Ada, Canyon, and Payette Counties) to points in Oregon located in Baker, Wallowa, Union, Umatilla, Morrow, Gillman, Sherman, Wasco, and Hood River to points in Washington located in and west of Benton, Yakima, Pierce, King, Snohomish, Skagit, and Whatcom Counties and to points in Wyoming located in and south of Goshen, Platte, Albany, Carbon, and Teton Counties and points in Fremont County located on and south of U.S. Highway 287; (L) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Madison, Wis., and points within 15 miles thereof to points in Kansas and Missouri, and (2) from Madison, Wis., and points within 15 miles thereof to points in California; (M) *Vegetable oil* and *vegetable oil products* (except soap products and paints), in bulk, in tank vehicles, (1) from points in Wisconsin to points in Louisiana and Mississippi (except Jackson), (2) from points in Wisconsin to points in Alabama located on, south, and west of a line extending from the Alabama-Tennessee State line along Alabama Highway 17 to junction Alternate U.S. Highway 72, thence along Alternate U.S. Highway 72 to junction U.S. Highway 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 22, thence along Alabama Highway 22 to the Alabama-Georgia State line and points in Georgia located in and south of Heard, Troup, Harris, Muscogee, Chattahoochee, Marion, Schley, Sumter, Crisp, Turner, Ben Hill, Coffee, Ware, Pierce, Brantley, and Glynn Counties (except Macon, Ga.), (3) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 51 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Alabama located on and south of a line extending from the Alabama-Tennessee State line along Alabama Highway 17 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 40, thence along Alabama Highway 40 to junction Alabama Highway 117, thence along Alabama Highway 117 to the Alabama-Georgia State line [except those points in Alabama described in (2) above and points in Georgia located in and south of Chattanooga, Floyd, Bartow, Cherokee, Fulton, Gwinnett, Walton, Oconee, Greene, Taliaferro, Warren, McDuffie, and Richmond Counties [except

those points in Georgia described in (2) above], and (4) from points in Wisconsin located in and west of Rock, Jefferson, Dodge, Washington, and Sheboygan Counties and to Macon, Ga., and Jackson, Miss.

(N) *Fats*, in bulk, in tank vehicles, (1) from points in Wisconsin to Memphis, Tenn., (2) from points in Wisconsin to points in Arkansas (except Benton, Carroll, Madison, Washington, and Crawford Counties, (3) from points in Wisconsin located on and east of a line extending from the Wisconsin-Minnesota State line along U.S. Highway 63 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line and to points in Arkansas located in Benton, Carroll, Madison, Washington, and Crawford Counties, (4) from points in Wisconsin to points in Illinois located in and south of St. Clair, Randolph, Perry, Jackson, Williamson, Pope, and Hardin Counties and points in Madison County located on and west of Illinois Highway 4, and (5) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ashland, on Lake Superior to points in Illinois located in and south of Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence Counties (except those points in Illinois described in (4) above), (O) *Vegetables* and *animal fats* and *oils*, in bulk, in tank vehicles, (1) from points in Wisconsin located in and west of Green, Dane, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties to points in Mississippi located in Adams and Wilkinson Counties (2) from points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Bayfield Counties to points in Mississippi located in and south of Coahoma, Tallahatchie, Leflore, Carroll, Attala, Neshoba, and Lauderdale Counties (except Adams and Wilkinson Counties), (3) from points in Wisconsin to points in Louisiana located in and west of Webster, Bossier, Red River, De Soto, Sabine, Vernon, Allen, Jefferson Davis, and Cameron Counties, (4) from points in Wisconsin located on and west of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 80 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 51, thence along U.S. Highway 51 to Merrill, thence along Wisconsin Highway 17 to the Wisconsin-Michigan State line to points in Louisiana in and east of Claiborne, Bienville, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Counties, and (5) from points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and LaCrosse Counties to points in Florida in and south of Levy, Marion, and Valusia Counties

(P) *Vegetable oils, fish oils*, and *sea animal oils*, in bulk, in tank vehicles, (1) from points in Wisconsin (except Walworth, Kenosha, Racine, Waukesha, Milwaukee, and Ozaukee Counties) to points in Illinois located on and east of a line extending from Alton, on the Mississippi River along Illinois Highway 140 to junction Illinois Highway 159, thence along Illinois Highway 159 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Ohio River and to points in Kentucky located in and east of McCracken, Marshall, and Calloway Counties, and (2) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ashland, on Lake Superior to points in Illinois located in and south of Madison, Clinton, Wayne, and White Counties and points in Marion County located on and south of U.S. Highway 50, to points in Indiana located in Posey and Vanderburgh Counties and to points in Kentucky located in and west of Hancock, Ohio, Grayson, Edmonson, Barren, and Monroe Counties [except those points in Illinois and Kentucky described in (1) above]; (Q) *Fats* and *oils* (except petroleum and petroleum products and molasses), in bulk, in tank vehicles, (1) from points in Wisconsin to points in Arkansas, (2) from points in Wisconsin to points in Illinois located in and south of St. Clair, Randolph, Perry, Jackson, Williamson, Pope, and Hardin Counties and points in Madison County located on and west of Illinois Highway 4, restricted against the transportation of tallow, paint ingredients, and paint products from Milwaukee, Wis., (3) from points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ashland, on Lake Superior to points in Illinois located in and south of Marion, Bond, Clinton, Madison, Clay, Richland, and Lawrence Counties [except those points in Illinois described in (2) above], (4) from points in Wisconsin to points in Nevada, restricted against the transportation of tallow from Milwaukee, (5) from points in Wisconsin located in and north of Vernon, Juneau, Adams, Waushara, Waupaca, Outagamie, Brown, and Kewaunee Counties to points in Idaho located in and south of Payette, Gem, Boise, Blaine, Bingham, and Bonneville Counties to points in Oregon (except those located in Clatsop, Columbia, Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Wallowa Counties) and to points in Wyoming located in Lincoln, Unita, Sweetwater, Carbon, Albany, and Laramie Counties, and (6) from points in Wisconsin located in and south of Crawford, Richland, Sauk, Columbia, Marquette, Greenlake, Winnebago, Calumet, and Manitowoc Counties to points in Idaho located in and south of Adams, Valley, and Lemhi Counties, to points in Oregon, to points in Washington located in and west of Whatcom, Skagit, Snohomish, King, Pierce, Yakima, Benton, Walla Walla, and Columbia Counties and to points in Wyoming located in and south or Teton, Fremont, Carbon, Albany, Platte, and Goshen Counties.

(R) *Dry chemicals*, in bulk, in tank vehicles, from points in Wisconsin to Dallas, Tex.; (S) *Acids* and *chemicals*, in bulk, from points in Wisconsin located on and west of a line extending from the Wisconsin-Minnesota State line along Wisconsin Highway 25 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the eastern boundary of Douglas County, thence along the eastern boundary of Douglas County to Lake Superior to points in South Carolina located in Beaufort County and that portion of Jasper County on and east of U.S. Highway 17; (T) *Acids* and *liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Wisconsin (except Kenosha and Racine Counties) to points in Texas (except Harris, Jefferson, and Orange Counties), and (2) from points in Wisconsin located in Kenosha and Racine Counties to points in Texas (except points located north and east of a line extending from the Texas-Arkansas State line along Texas Highway 8 to junction Texas Highway 77, thence along Texas Highway 77 to the Texas-Arkansas State line and except Harris, Jefferson, and Orange Counties); (U) *Acids* and *chemicals*, in bulk, (1) from points in Wisconsin located on, south, and east of U.S. Highway 151 to points in Wyoming located in Laramie, Albany, Carbon, Sweetwater, Uinta, Lincoln, and Sublette Counties and points in Idaho located in and south of Bonneville, Bingham, Butte, Blaine, Boise, Gem, and Washington Counties, (2) from points in Wisconsin located in and north of Trempealeau, Jackson, Wood, Portage, Waupaca, Shawano, and Oconto Counties to points in Arizona, California, New Mexico, Nevada, points in Utah (except Summit, Wasatch, Utah, Salt Lake, Morgan, Davis, Weber, Rich, Cache, and Box Elder Counties) and points in Oregon located in Curry, Josephine, and Jackson Counties and those portions of Klamath and Lake Counties on and south of Oregon Highway 140, and (3) from points in Wisconsin located in and south of LaCrosse, Monroe, Juneau, Adams, Waushara, Winnebago, Outagamie, and Brown Counties to points in Arizona, California, New Mexico, Nevada, Utah, and points in Oregon (except Wallowa County and Umatilla County north of the Umatilla River);

(V) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Wisconsin located in, south, and east of Vernon, Monroe, Wood, Marathon, Langlade, and Forest Counties to points in Oklahoma, points in Missouri located in Buchanan, Platte, Clay, Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, and McDonald Counties and points in Arkansas located in Benton, Washington, Crawford, Sebastian, Scott, Polk, Howard, Sevier, Little River, and Miller Counties, (2) from points in Wisconsin located in, north, and west of LaCrosse, Jackson, Clark, Taylor, Lincoln, Oneida, and Vilas Counties to points in Oklahoma, points in Missouri located in, south, and west of Buchanan, Platte, Clay, Jackson, Johnson, Henry, Benton, Camden, LaClede, Wright, Douglas, and Ozark Counties and points in Arkansas located in, south, and west of Baxter, Izard, Independence, White, Woodruff, Monroe, and Phillips Counties, (3) from points in Wisconsin located north and west of U.S. Highway 151 to points in Kansas (except Doniphan, Brown, Nemaha, Marshall, Washington, Republic, Jewell, Smith, Phillips, Norton, Decatur, Rawlins, and Cheyenne Counties) and points in Colorado (except Sedgwick, Phillips, Yuma, Washington, Logan, Weld, Morgan, Adams, Boulder, Larimer, Jackson, Grand, and Routt Counties), (4) from points in Wisconsin located on and south of U.S. Highway 151 to points in Kansas and points in Colorado (except Sedgwick and Phillips Counties), (5) from points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties to points in Mississippi located in, south, and west of Washington, Humphreys, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Greene Counties, and (6) from points in Wisconsin located on and west of a line extending from the Wisconsin-Minnesota State line along Wisconsin Highway 25 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the eastern boundary of Douglas County, thence along the eastern boundary of Douglas County to Lake Superior to points in Mississippi located in, north, and east of Bolivar, Sunflower, LeFlore, Holmes, Attala, Leake, Scott, Jasper, and Wayne Counties (except Monroe, Itawamba, Lee, Union, Prentiss, Tishomingo, Alcorn, Tippah, and Benton Counties) and points in Tennessee located in Shelby County); (W) *Liquid chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Wisconsin to points in Texas (except Bowie, Cass, Marion, Harrison, Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Counties), and (2) from points in Wisconsin (except Racine, Kenosha, and Walworth Counties) to points in Texas located in Bowie, Cass, Marion, and Harrison Counties.

(X) *Acids* and *chemicals*, in bulk, (1) from points in Wisconsin to points in Louisiana located in Bossier, Caddo, DeSoto, Sabine, Vernon, Beauregard, Calcasieu, and Cameron Counties, (2) from points in Wisconsin located in and north and west of Green, Dane, Columbia, Green Lake, Winnebago, Outagamie, and Brown Counties to points in Louisiana located in and west of Union, Ouachita, Caldwell, Catahoula, Concordia, West Feliciana, East Baton Rouge, Iberville, Assumption, and Terrebonne Counties [except those points in Louisiana described in (1) above], (3) from points in Wisconsin located in, north, and west of Crawford, Vernon, Monroe, Jackson, Wood, Marathon, Lincoln, Oneida, and Vilas Counties to points in Louisiana, [except those points in Louisiana described in (1) and (2) above], and (4) from points in Wisconsin located in Milwaukee, Racine, Kenosha, Walworth, Waukesha, Jefferson, Rock, Green, Dane, and Lafayette Counties and those portions of Grant and Iowa Counties on and south of U.S. Highway 151 to points in Washington located in and west of Walla Walla, Franklin, Benton, Yakima, Pierce, King, Snohomish, Skagit, and Whatcom Counties; (Y) *Acids* and *chemicals* (except liquid hydrogen, liquid oxygen, or liquid nitrogen, in bulk, from points in Wisconsin located on and west of a line extending from the Wisconsin-Minnesota State line along Wisconsin Highway 25 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the eastern boundary of Douglas County, thence along the eastern boundary of Douglas County to Lake Superior to points in Georgia located in and south of Muscogee, Chattahoochee, Marion, Schley, Sumter, Dooly, Wilcox, Telfair, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties; and (Z) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from McFarland, Wis., to points in Kansas and Missouri, (2) from McFarland, Wis., to points in California, and (3) from McFarland, Wis., to points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 64 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 68, thence along Indiana Highway 68 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 70, thence along Indiana Highway 70 to Derby, Ind., on the Ohio River.

The purpose of this filing is to eliminate the gateways of: (A) (1)–(2), Ft. Madison, Iowa; (A) (3)–(4), Bettendorf, Iowa, and Champaign, Ill.; (A) (5)–(6) points in Iowa within the Alexandria, Mo., commercial zone; (A) (7)–(8) Ft. Madison, Iowa; (A) (9)–(10) Guttenberg, Iowa; (B) plantsite of Iowa-Guttenberg Terminal, Inc., located at or near Guttenberg, Iowa, or Guttenberg, Iowa; (C) Muscatine, Iowa; (D) Burlington, Iowa; (E) Iowa (except Bettendorf, Clear Lake, Coralville, and Dubuque); (F) Terminal Outlet of Mid-American Pipeline Co., at Iowa City, Iowa; (G) the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa; (H) Muscatine, Iowa; (I), (J) (1)–(12) Dubuque Iowa; (J) (13)–(14) Dubuque, Iowa, and Dupo, Ill.; (K) (1)–(5) Dubuque, Iowa; (K) (6) Dubuque, Iowa, and Kansas; (L) (1) points in Illinois on and north of a line extending along Illinois Highway 64, from the Iowa-Illinois State line near Savanna, Ill., through Lanark, Mount Morris, Kings, Sycamore, St. Charles, and Chicago, Ill., to the Illinois-Indiana State line; (L) (2) that portion of Illinois described in (L) (1) above, and Kansas; (M) Memphis, Tenn.; (N) (1) St. Louis, Mo.; (N) (2)–(5) points that are in both the St. Louis, Mo., and Dupo, Ill., commercial zones; (O) (1)–(4) Kansas City, Kans.; (O) (5) Kansas City, Kans., and Memphis, Tenn.; (P) Valley Park, Mo.; (Q) (1)–(3) points in Missouri that are within the Dupo, Ill., commercial zone; (Q) (4) Nebraska; (O) (5)–(6) Kansas; (R), (S) Kansas City, Mo.; (T) Olathe, Kans., a point in the Kansas City, Kans., commercial zone, and Lawrence, Kans.; (U) (1) Kansas City, Kans.; (U) (2)–(3) Kansas City, Mo.; (V) (1)–(4) Olathe, Kans., a point in the Kansas City, Kans., commercial zone; (V) (5)–(6) Olathe, Kans., a point in the Kansas City, Kans., commercial zone, and Saginaw, Mo., and points within 15 miles thereof; (W) Olathe, Kans., a point in the Kansas City, Kans., commercial zone, and Springfield, Mo.; (X) Kansas City, Mo.; (Y) Kansas City, Mo.; (Z) (1) Illinois; (Z) (2) Illinois and Kansas; and (Z) (3) Champaign, Ill.

No. MC 92983 (Sub-No. E53), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Alfalfa products, cottonseed meal, mill feeds, soybean meal*, and *molasses* when intended for use as animal and poultry feed, in bulk, in tank vehicles, (1) from points in Minnesota to points in Arkansas located in, east, and south of Sharp, Independence, Cleburne, Faulkner, Pulaski, Saline, Garland, Hot Spring, Clark, Pike, Howard, and Sevier Counties, (2) from points in Minnesota located on, north, and east of a line extending from the Minnesota-North Dakota State line along unnumbered highway to Breckenridge, thence along Minnesota Highway 9 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to Bella Plaine, along unnumbered highway from Bella Plaine to

Union Hill, thence along Minnesota Highway 19 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line to points in Arkansas (except those points in Arkansas described in part (1) above), and (3) from points in Minnesota located on and east of a line extending from Indus on the Rainy River along Minnesota Highway 11 to junction unnumbered highway near Laurel, thence along unnumbered highway through Linford to Grand Falls, thence along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 95, thence along Minnesota Highway 95 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line to points in Kansas located on and south of a line extending from the Kansas-Colorado State line along U.S. Highway 160 to junction Kansas Highway 144, thence along Kansas Highway 144 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line.

(B) *Alfalfa products, cottonseed meal, mill feeds, soybean meal, and molasses*, in bulk, in tank vehicles, when intended for use an animal and poultry feed or animal and poultry feed ingredients, (1) from points in Minnesota to points in Iowa located in Clinton, Scott, Muscatine, Louisa, Des Moines, Lee, Henry, Van Buren, Jefferson, Washington, Johnson, and Cedar Counties, and (2) from points in Minnesota located in, north, and west of Lake of the Woods, Beltrami, Clearwater, Mahnomen, Norman, and Clay Counties to points in Iowa located in and east of Dubuque, Delaware, Linn, Benton, Iowa, Keokuk, Wapello, Monroe, and Appanoose Counties; (C) *Such petroleum products* as are embraced within contractors' materials and supplies, in bulk in tank vehicles, (1) from points in Minnesota located in and east of Mower, Dodge, Goodhue, Dakota, Hennepin, Anoka, Isanti, Mille Lacs, Crow Wing, Cass, Beltrami, and Roseau Counties to points in Missouri located in Clark, Knox, Lewis, Marion, Shelby, Randolph, Monroe, Ralls, Pike, Lincoln, Montgomery, Audrain, Callaway, Boone, Howard, Cole, Warren, and St. Charles Counties, (2) from points in Minnesota (except points east of U.S. Highway 63) to points in Indiana located on and south of Indiana Highway 18, and (3) from points in Minnesota (except points east of U.S. Highway 63) to points in Illinois located on and within a line extending from the Illinois-Missouri State line along U.S. Highway 40 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Mississippi River, thence along the Mississippi River to the point of origin; (D) *Such petroleum* and *petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, from points in Minnesota to points in Illinois located on and north of U.S. Highway 24; (E) *Such petroleum* and *petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, and *such acids* and *chemicals* as are embraced within contratcors' materials and supplies, in bulk, in tank or hopper vehicles, from points in Minnesota located in and west of Mower, Steele, Waseca, Le Sueur, Sibley, McLeod, Meeker, Douglas, Otter Tail, Becker, and Norman Counties and Stearns County on and west of a line extending from the southern border of the county along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to the northern border of the county to points in Wisconsin located on and south of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Interstate Highway 94, thence along Interstate Highway 94 to Milwaukee.

(F) *Such liquid chemicals* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Minnesota to points in Connecticut, New Jersey, North Carolina, Pennsylvania, Rhode Island, points in Illinois located on and south of a line extending from the Illinois-Iowa State line along Interstate Highway 80 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line and points in Indiana located on and south of Indiana Highway 32, and (2) from points in Minnesota located in and west of Mower, Dodge, Rice, Scott, Hennepin, Anoka, Isanti, Kanarec, Aitkin, Itasca, and Koochiching Counties to points in Illinois located on and south of Interstate Highway 80 (except those points in Illinois described in (1) above) and points in Indiana (except those points in Indiana described in (1) above); (G) *Such chemicals* as are embraced within contractors' materials and supplies, in bulk, from points in Minnesota located in and east of Mower, Dodge, Goodhue, Dakota, Hennepin, Anoka, Isanti, Mille Lacs, Crow Wing, Cass, Beltrami, and Roseau Counties to points in Missouri located on and east of a line extending from the Missouri-Iowa State line along Missouri Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line; (H) *Such paint* and *paint materials* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Minnesota to points in Wisconsin located in and south of Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, and Crawford Counties, (2) from points in Minnesota (except Pine, Carlton, Itasca, Koochiching, St. Louis, Lake, Cook, Winona, and Houston Counties) to points in Wisconsin located in Sheboygan, Ozaukee, Washington, and Dodge Counties, and (3) from points in Minnesota to points in Indiana and Illinois (except the Anderson-Clayton plantsite near Jacksonville, Ind.); (I) *Such liquefied petroleum gas* as is embraced within contractors' materials and supplies, in bulk, in tank vehicles, from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 218 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 47, thence along Minnesota Highway 47 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Illinois located on and south of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 38, thence along Illinois Highway 38 to Chicago; (J) *Such liquid chemicals* as are embraced within contractors' materials and supplies, in bulk, from points in Minnesota to points in Ohio.

(K) *Such chemicals* as are embraced within contractors' materials and supplies, in bulk, from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line to points in New York; (L) *Crude corn* and *soybean oil*, in bulk, in tank vehicles, from points in Minnesota to points in New York and Tennessee, restricted against the transportation of crude soybean oil to New York City and Port Ivory, N.Y., and

Memphis, Tenn.; (M) *Crude soybean oil* and *crude corn oil*, in bulk, in tank vehicles, (1) from points in Minnesota located in and east of Freeborn, Waseca, Le Sueur, Scott, Hennepin, Anoka, Isanti, Kanabec, Pine, Carlton, and St. Louis Counties, to points in Clark County, Nev., (2) from points in Minnesota located in, north, and east of Fillmore, Olmstead, Goodhue, Dakota, Scott, Carver, McLeod, Meeker, Kandiyohi, Pope, Grant, and Wilkin Counties to points in Missouri located in and east of Marion, Ralls, Audrain, Callaway, Osage, Maries, Phelps, Texas, Douglas, and Ozark Counties, (3) from points in Minnesota located in, north, and east of Freeborn, Waseca, Blue Earth, Nicollet, Renville, Kandiyohi, Pope, Douglas, Otter Tail, and Clay Counties to point in Arkansas located in, south, and east of Sharp, Independence, White, Faulkner, Pulaski, Saline, Garland, Hot Spring, Clark, Nevada, Hempstead, and Miller Counties, and (4) from points in Minnesota to points in Illinois located in and south of Madison, Clinton, Marion, Clay, Richland, and Lawrence Counties; (N) *Inedible fats, tallows*, and *greases* (except those derived from petroleum), in bulk, in tank vehicles, (1) from points in Minnesota on, north, and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 108, thence along Minnesota Highway 108 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 210, thence along U.S. Highway 210 to the Minnesota-Wisconsin State line to Sherman, Tex., (2) from points in Minnesota on and south of a line extending from Moorhead, Minn., thence along U.S. Highway 10 thru Detroit Lakes and Wadena to Motley, thence along U.S. Highway 210 through Brainerd and Cromwell to Duluth, to Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford, Ill., New York City and Port Ivory, N.Y., Cincinnati and Ivorydale, Ohio, and Memphis, Tenn., and (3) from points in Minnesota located on and south of a line extending from Duluth along Minnesota Highway 210 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to the Mississippi River and points located in and east of Anoka, Hennepin, Dakota, Goodhue, Olmstead, and Fillmore Counties to points in Texas located in and east of Marion, Harrison, Gregg, Rusk, Cherokee, Houston, Montgomery, Harris, Ft. Bend, and Brazoria Counties and points in Walker County located on and south of a line extending from the eastern border along Texas Highway 19 to junction Texas Highway 30, thence along Texas Highway 30 to the western border.

(O) *Animal fats, greases*, and *tallows*, in bulk, in tank vehicles, from points in Minnesota located on and south of a line extending from Moorhead along U.S. Highway 10 to Motley, thence along U.S. Highway 210 to Duluth to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois (except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford), Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio (except Cincinnati and Ivorydale), Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (P) *Grease, fats*, and *tallows* (except those derived from petroleum), in bulk, in tank vehicles, from points in Minnesota located on and south of a line extending from Duluth along Minnesota Highway 210 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to the Mississippi River and points located in and east of Anoka, Hennepin, Dakota, Goodhue, Olmstead, and Fillmore Counties to points in Missouri located on and east of a line extending from the Missouri-Iowa State line along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 37, thence along Missouri Highway 37 to the Missouri-Arkansas State line.

(Q) *Vegetable* and *animal fats*, in bulk, in tank vehicles, (1) from points in Minnesota located on and south of a line extending from Moorhead along U.S. Highway 10 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to Duluth (except those points located in and west of Wilkin, Grant, Pope, Kandiyohi, Renville, McLeod, Sibley, Le Sueur, Waseca, and Freeborn Counties) to points in Louisiana (except Orleans, Plaquemines, and St. Bernard Parishes), (2) from points in Minnesota located in Wilkin, Traverse, Big Stone, Grant, Stevens, Pope, Swift, Kandiyohi, Chippewa, Renville, McLeod, Sibley, Nicollet, Le Sueur, Blue Earth, Waseca, and Freeborn Counties to points in Louisiana located in Orleans, Plaquemines, and St. Bernard Parishes, (3) from points in Minnesota on, east and north of a line extending along Minnesota Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 76, thence along Minnesota Highway 76 to the Minnesota-Iowa State line, to points in Louisiana on, and east, and south of a line beginning at the Gulf of Mexico and extending along the western borders of Vermillion and Acadia Parishes to Interstate Highway 10, thence along Interstate Highway 10 to western border of St. Martin Parish, thence along the western and northern borders of St. Martin and Iberville Parishes to Louisiana Highway 76, thence along Louisiana Highway 76 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 16, thence along Louisiana Highway 16 to junction Louisiana Highway 25, thence along Louisiana Highway 25 to the Louisiana-Mississippi State line, and (4) from points in Minnesota on and north and east of a line beginning at the Minnesota-North Dakota State line and extending along Minnesota Highway 55 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction unnumbered highway near Spring Hill, thence along unnumbered highway through St. Martin to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line and points on and south of a line beginning at the North Dakota-Minnesota State line and extending along U.S. Highway 10 to junction U.S. Highway 210 to Duluth on Lake Superior to points in Louisiana on, south, and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 167 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to the Louisiana-Mississippi State line (except those points in Louisiana described in (3) above).

(R) *Greases, fats*, and *tallows* (except those derived from petroleum), in bulk, in tank vehicles, (1) from points in Minnesota located on, south, and east of a line extending from the Minnesota-Iowa State line along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction

Interstate Highway 35W, thence along Interstate Highway 35W to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to Duluth to points in Arkansas located on, south, and east of a line extending from the Arkansas-Oklahoma State line along the north and west boundaries of Sevier, Howard, and Montgomery Counties to Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to Newton County, thence along the south and west boundaries of Newton and Boone Counties to the Arkansas-Missouri State line, (2) from points in Minnesota located on, north, and east of a line extending from the Minnesota-South Dakota State line along Minnesota Highway 68 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Minnesota-Iowa State (except the points in Minnesota described in part (1) above and except those points north of a line extending from Moorhead along U.S. Highway 10 to junction Minnesota Highway 210 to Duluth) to points in Arkansas located on and east of a line extending from the Arkansas-Missouri State line along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, (3) from points in Minnesota located on, east, and south of a line extending from the Minnesota-Iowa State line along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 111, thence along Minnesota Highway 111 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to Duluth, to points in Nevada on and south of a line extending from Denio along Nevada Highway 140, to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line (except Clark County).

(S) *Cottonseed oil, soybean oil, blends* and *products* (except soap products and paints), in bulk, in tank vehicles, from points in Minnesota to Jackson, Miss., to Macon, Ga.; (T) *Cottonseed oil, soybean oil,* and *blends* thereof, *cottonseed oil products,* and *soybean oil products* (except soap products and paint), in bulk, in tank vehicles, from points in Minnesota to Osceola, Ark.; (U) *Vegetable oil* and *vegetable oil products* (except soap products and paint), in bulk, in tank vehicles, (1) from points in Minnesota to points in Georgia (except Macon), (2) from points in Minnesota to points in Mississippi (except Jackson), and (3) from points in Minnesota to points in Alabama located on, south, and west of a line extending from the Alabama-Tennessee State line along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 67, thence along Alabama Highway 67 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line; (V) *Fats* and *oils,* when intended for use as animal and poultry feed and animal and poultry feed ingredients, in bulk, in tank vehicles, from points in Minnesota located in, north, and east of Mower, Steele, Rice, Scott, Carver, McLeod, Meeker, Stearns, Douglas, Otter Tail, and Clay Counties to points in Arkansas located in, south, and east of Craighead, Jackson, White, Faulkner, Pulaski, Saline, Garland, Hot Spring, Clark, Nevada, Hempstead, and Miller Counties; (W) *Dry chemicals,* in bulk, and *liquid chemicals,* in bulk, in tank vehicles, (1) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line to points in Illinois located on and south of a line extending from the Illinois-Iowa State line along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line and points in Indiana located on and south of a line extending from the Indiana-Illinois State line along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, restricted against the transportation of chemicals derived from petroleum from the Minneapolis-St. Paul, Minn., commercial zone, and (2) from points in Minnesota located in, north, and east of Mower, Steele, Rice, Le Sueur, Sibley, McLeod, Meeker, Stearns, Douglas, Otter Tail, and Clay Counties to points in Iowa located in Des Moines and Lee Counties and points in Missouri located in and east of Clark, Lewis, Marion, Monroe, Audrain, Callaway, Cole, Miller, Camden, Dallas, Greene, Christian, and Barry Counties, restricted against the transportation of chemicals derived from petroleum from the Minneapolis-St. Paul, Minn., commercial zone.

The purpose of this filing is to eliminate the gateways of: (A) the plantsite of Protein Blenders, Inc., near Iowa City, Iowa; (B) Iowa City, Iowa; (C) (1) Ft. Madison, Iowa; (C) (2) Bettendorf, Iowa, and Champaign, Ill.; (C) (3) points in Iowa within the Alexandria, Mo., commercial zone; (D) Guttenberg, Iowa; (E) the plantsite of Iowa-Guttenberg Terminal, Inc., at or near Guttenberg, Iowa, or Guttenberg, Iowa; (F) Muscatine, Iowa; (G) Burlington, Iowa; (H) points in Iowa (except Bettendorf, Clear Lake, Coralville, and Dubuque; (I) the site of the terminal outlet of the Mid-American Pipe Line Co., at or near Iowa City, Iowa; (J) the plantsite of the Hawkeye Chemical Co., at or near Clinton, Iowa; (K) Des Moines, Iowa; (L) Clinton, Iowa; (M) (1) Clinton, Iowa, and Nebraska; (M) (2) Clinton, Iowa; (M) (3)–(4) Clinton, Iowa, and points in Missouri within the Dupo, Ill., commercial zone; (N) (1)–(2) Dubuque, Iowa; (N) (3) Dubuque, Iowa, and Memphis, Tenn.; (O), (P) Dubuque, Iowa; (Q) Dubuque, Iowa, and Kansas City, Kans.; (R) (1)–(2) Dubuque, Iowa, and points in Missouri within the Dupo, Ill., commercial zone; (R) (3)–(4) Dubuque, Iowa, and Nebraska; (S), (T), (U) Memphis, Tenn.; (V) points in Arkansas within the Memphis, Tenn., commercial zone; and (W) Burlington, Iowa.

No. MC 92983 (Sub-No. E54), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* (except chemicals derived from petroleum from the Minneapolis-St. Paul commercial zone), in bulk, in tank vehicles, (1) from points in Minnesota to points in Connecticut, North Carolina, Rhode Island, points in Pennsylvania located on and south of a line extending from the Pennsylvania-Maryland State line along U.S. Highway 15 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line and points in New Jersey (except Warren and Sussex Counties), (2) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line to points in New Jersey and Pennsylvania (except those points in New Jersey and Pennsylvania described in (1) above), (3) from points in Minnesota located on, south, and west of a line extending from the Minnesota-Iowa State line along U.S.

Highway 218 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line to points in Michigan located in and east of Monroe, Wayne, Oakland, Genesee, and Tuscola Counties, (4) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Ohio located in and south of Hamilton, Clermont, Brown, Highland, Adams, Pike, Scioto, Jackson, Lawrence, and Gallia Counties, (5) from points in Minnesota located on, south, and west of a line extending from the Minnesota-Iowa State line along Interstate Highway 35 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to the Minnesota River, thence along the Minnesota River to U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line to points in Ohio (except those points in Ohio described in (4) above), and (6) from points in Minnesota located in and west of Martin, Blue Earth, LeSueur, Scott, Hennepin, Ramsey, Anoka, Isanti, Kanarec, Aitkin, Itasca, and Koochiching Counties to points in Kentucky located in and west of Davies, Ohio, Butler, Warren, and Allen Counties; restricted in (A) (1) through (6) against the transportation of chemicals derived from petroleum from the Minneapolis-St. Paul, Minn., commercial zone.

(B) *Raw materials* used in the manufacture of paints and varnish, in bulk, in tank vehicles, from Minneapolis, Minn., to Denver, Colo., Wichita, Kans., Oklahoma City and Tulsa, Okla., and Dallas and Houston, Tex.; (C) *Such chemicals* as are embraced within paint materials, in bulk, in tank vehicles, from points in Minnesota to Dallas and Houston, Tex.; (D) *Acids* and *chemicals* (except molasses, in bulk, in tank vehicles), in bulk, (1) from points in Minnesota located on, south, and east of a line extending from the Minnesota-North Dakota State line along Minnesota Highway 55 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in California located in and south of San Luis Obispo, Kern, and San Bernadino Counties, (2) from points in Minnesota located in and east of Faribault, Blue Earth, LeSueur, Scott, Carver, Hennepin, Anoka, Isanti, Kanarec, Pine, Carlton, and St. Louis Counties to points in California [except those points in California described in (1) above], (3) from points in Minnesota to points in Arizona and New Mexico, (4) from points in Minnesota located on and east of a line extending from the Minnesota-Iowa State line along U.S. Highway 75 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Nevada located in Clark County, (5) from points in Minnesota located in and east of Freeborn, Steele, Rice, Scott, Hennepin, Anoka, Isanti, Pine, Carlton, and St. Louis Counties to points in Nevada (except Clark and Elko Counties), (6) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line to points in Illinois located on and south of a line extending from the Illinois-Missouri State line along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line.

(7) From points in Minnesota to points in Missouri located in, south, and west of Platte, Clay, Jackson, Cass, Henry, St. Clair, Hickory, Dallas, Webster, Wright, Douglas, and Howell Counties, (8) from points in Minnesota located in and east of Freeborn, Waseca, LeSueur, Scott, Hennepin, Anoka, Isanti, Kanarec, Pine, Carlton, and St. Louis Counties to points in Colorado located on and south of a line extending from the Colorado-Kansas State line along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, (9) from points in Minnesota located on and east of U.S. Highway 63 to points in Colorado located on and south of a line extending from the Colorado-Kansas State line along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, (10) from points in Minnesota to points in Kansas located on, east, and south of a line extending from Leavenworth along U.S. Highway 73 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas Turnpike, thence along the Kansas Turnpike to Wichita, thence Kansas Highway 2 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line and points in Oklahoma, (11) from points in Minnesota located in and east of Faribault, Blue Earth, Nicollet, Sibley, McLeod, Wright, Sherburne, Benton, Morrison, Cass, Itasca, and Koochiching Counties to points in Kansas located in and south of Leavenworth, Jefferson, Shawnee, Wabaunsee, Dickinson, Geary, Saline, Ellsworth, Barton, Rush, Ness, Lane, Scott, Wichita, and Greely Counties [except those points in Kansas described in (10) above], (12) from points in Minnesota to points in Arkansas located in, south, and west of Fulton, Izard, Independence, White, Prairie, Arkansas, and Desha Counties, and (13) from points in Minnesota (except Mower, Dodge, Goodhue, Wabasha, Olmsted, Fillmore, Houston, and Winona Counties) to points in Arkansas [except those points in Arkansas described in (12) above]; restricted in (D) (1) through (13) against the transportation of blended or prepared varnish oils, ester gum, fatty acids, fish oils, insecticides, liquid resins, nonedible oils, surface coating resin compounds, and vegetable oils, from the Minneapolis-St. Paul, Minn., commercial zone, and of sulphuric acid from Pine Bend, Minn.:

(E) *Crude soybean oil*, in bulk, in tank vehicles, (1) from points in Minnesota located in, north, and east of Roseau, Beltrami, Itasca, St. Louis, and Carlton Counties and to Sherman, Tex., (2) from points in Minnesota to Chicago, Chicago Heights, Decatur, and East St. Louis, Ill., Cincinnati and Ivorydale, Ohio and New York City and Port Ivory, N.Y., and (3) from points in Minnesota located on and west of a line extending from the United States-Canada International Boundary line along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line to Rockford, Ill.; (F) *Crude corn* and *soybean oils*, in bulk, in tank vehicles, from points in Minnesota to Champaign, Ill.; (G) *Vegetable oil* and *vegetable oil products* (except soap products and paints), in bulk, in tank vehicles, from points in Minnesota to points in Louisiana; (H) *Dry chemicals*, in bulk, in tank vehicles, from points in Minnesota to Dallas, Tex., restricted against the transportation of insecticides from the Minneapolis-St. Paul, commercial zone; (I) *Acids* and *chemicals* (except molasses, in bulk, in tank vehicles), in bulk, (1) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along Interstate Highway 35 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 47, thence along Minnesota Highway 47 to junction U.S. Highway 169, thence along U.S. Highway 169

to the eastern boundary of Itasca County, thence along the eastern boundaries of Itasca and Koochiching Counties to points in Kentucky located in, south, and west of Livingston, Lyon, Trigg, Christian, Todd, Logan, Warren, and Allen Counties, (2) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line to points in Kentucky located in and south of Meade, Hardin, Bullitt, Nelson, Washington, Mercer, Jessamine, Madison, Estill, Lee, Wolfe, Breathitt, Knott, Floyd, and Pike Counties [except those points in Kentucky described in (1) above], (3) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line to points in Kentucky [except those points in Kentucky described in (1) and (2) above], (4) from points in Minnesota located in Lincoln, Pipestone, Rock, Nobles, Murray, and Lyon Counties to points in Ohio located in Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, and Gallia Counties, (5) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 218 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 35, thence along Interstate Highway 35 to Minneapolis, thence along Minnesota Highway 65 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in North Carolina located in and south of Haywood, Buncombe, Rutherford, Cleveland, Gaston, Mecklenburg, Union, Anson, Richmond, Scotland, Robeson, Bladen, and Pender Counties.

(6) From points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along Minnesota Highway 22 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line to points in North Carolina located in and north of Madison, Yancey, McDowell, Burke, Lincoln, Iredell, Cabarrus, Stanly, Montgomery, Moore, Hoke, Cumberland, Sampson, Duplin, Jones, and Carteret Counties, (7) from points in Minnesota (except points east of U.S. Highway 63) to points in South Carolina located on and south of U.S. Highway 78, (8) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 218 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction U.S. Highway 52, thence along U.S. Highway 52 to the southern boundary of Ramsey County, thence along the southern and eastern boundaries of Ramsey County and eastern boundaries of Anoka, Isanti, Kanarec, Aitkin, Itasca, and Koochiching Counties to points in South Carolina located north of U.S. Highway 78, (9) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line to points in West Virginia located in Mingo, Logan, Wyoming, McDowell, and Mercer Counties and points in Virginia located in and south of Giles, Montgomery, Roanoke, Bedford, Campbell, Appomatox, Prince Edward, Amelia, Chesterfield, Henrico, New Kent, James City, Gloucester, and Mathews Counties, (10) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line to points in Delaware, the District of Columbia, Maryland, points in Virginia located in and north of Craig, Botetourt, Rock Bridge, Amherst, Nelson, Buckingham, Cumberland, Powhatan, Goochland, Hanover, King William, King and Queen, and Middlesex Counties and points in West Virginia located in and south and east of Cabell, Putnam, Kanawha, Roane, Calhoun, Gilmer, Lewis, Harrison, Marion, and Monongalia Counties (except Mingo, Logan, Wyoming, McDowell, and Mercer Counties).

(11) From points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line to points in Pennsylvania located on and south of a line extending from the Pennsylvania-Maryland State line along U.S. Highway 11 to junction with the Harrisburg Expressway, thence along the Harrisburg Expressway to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line and points in New York located in and south of Orange and Dutchess Counties; restricted in (I) (1) through (11) against the transportation of blended or prepared varnish oils, ester gum, fatty acids, fish oils, insecticides, liquid synthetic resins, non-edible oils, surface coating resin compounds, and vegetable oils from the Minneapolis-St. Paul Commercial Zone and of sulphuric acid from Pine Bend, Minn.; (J) *Acids* and *liquid chemicals* (except petroleum and petroleum products and molasses, in bulk, in tank vehicles), in bulk, in tank or hopper vehicles, from points in Minnesota to points in Texas (except Harris, Jefferson, and Orange Counties), restricted against the transportation of blended or prepared varnish oils, ester gums, fatty acids, fish oils, insecticides, liquid synthetic resins, non-edible oils, surface coating resin compounds, and vegetable oils, from the Minneapolis-St. Paul commercial zone and of sulphuric acid from Pine Bend, Minn.; (K) *Acids* and *chemicals* (except molasses, in bulk, in tank vehicles), in bulk, from points in Minnesota located in Mower, Olmsted, Wabasha, Winona, Fillmore, and Houston Counties to points in Idaho located in Twin Falls, Oyhee, Ada, Canyon, and Fayette Counties, restricted against the transportation of sulphuric acid from Pine Bend, Minn.

(L) *Acids* and *chemicals* (except molasses, in bulk, in tank vehicles), in bulk, (1) from points in Minnesota located in and east of Freeborn, Steele, Rice, Scott, Hennepin, Anoka, Isanti, Pine, Carlton, and St. Louis Counties to points in Utah located in and south of Daggett, Duchesne, Carbon, Sanpete, and Millard Counties, (2) from points in Minnesota located in and east of Martin, Blue Earth, LeSueur, Scott, Hennepin, Anoka, and Chisago Counties to points in Oregon located on and south of a line extending from the Oregon-Nevada State line along Oregon Highway 140 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to Coquille, thence along the South Fork Coquille River to the Pacific Ocean, (3) from points in Minnesota located in and east of Freeborn, Dodge, Olmsted, and Wabasha Counties to points in Oregon located in and south of Malheur, Grant, Wheeler, Jefferson, Marion, Polk, and Lincoln Counties [except those points in Oregon described in (2) above], (4) from points in Minnesota to points in Mississippi located in, south, and west of Washington, Sharkey, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Green Counties, (5) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along Interstate Highway 35 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth to points in Mississippi [except those points in Mississippi described in (4) above] and points in Tennessee located on and south and west of a line extending from the Tennessee-Missouri State line along Tennessee Highway 20 to junction U.S. High-

way 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, (6) from points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line to points in Tennessee located on and west of U.S. Highway 41 [except those points in Tennessee described in (5) above], (7) from points in Minnesota to points in Louisiana, (8) from points in Minnesota east of U.S. Highway 63 to points in Georgia located on and south of a line extending from the Georgia-Alabama State line along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean, (9) from points in Minnesota (except east of U.S. Highway 63) to points in Georgia.

(10) From points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line to points in Indiana located on and south of a line extending from the Indiana-Illinois State line along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line, and (11) from points in Minnesota located in Nobles, Rock, Pipestone, Murray, Lyon, Lincoln, Yellow Medicine, Lac Qui Parle, and Big Stone Counties to points in Connecticut; restricted in (L)(1)–(11) against the transportation of blended or prepared varnish oils, ester gum, fatty acids, fish oils, insecticides, liquid synthetic resins, non-edible oils, surface coating resin compound and vegetable oils from the Minneapolis-St. Paul commercial zone, and of sulphuric acid, from Pine Bend, Minn.; and (M) *Liquid chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Minnesota to points in Texas located in, south, and east of Grayson, Denton, Wise, Parker, Palo Pinto, Stephens, Shackelford, Jones, Fisher, Scurry, Borden, Dawson, and Gaines Counties (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Counties, and (2) from points in Minnesota located in and east of Freeborn, Waseca, LeSueur, Scott, Hennepin, Anoka, Isanti, Kanarec, Pine, Carlton, and St. Louis Counties to points in Texas located in and north of Cooke, Montague, Jack, Young, Throckmorton, Haskell, Stonewall, Kent, Garza, Lynn, Terry, and Yoakum Counties and in and south of Wheeler, Gray, Carson, Potter, and Oldham Counties. The purpose of this filing is to eliminate the gateways of: (A)(1)–(5) Burlington, Iowa, and Muscatine, Iowa; (A)(6) Burlington, Iowa, and the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa; (B), (C), (D)(1)–(5) Kansas City, Mo.; (D)(6)–(13) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., commercial zone; (E), (F) Clinton, Iowa; (G) Memphis, Tenn.; (H), (I) Kansas City, Mo.; (J) Kansas City, Mo., and Lawrence, Kans.; (K),(L)(1)–(3) Kansas City, Mo.; (L)(4)–(6) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., commercial zone, and Saginaw, Mo., and points within 15 miles thereof; (L)(7)–(11) Kansas City, Mo.; and (M) Olathe, Kans., a point in the Kansas City, Kans., commercial zone and Springfield, Mo.

No. MC 92983 (Sub-No. E59), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Crude soybean oils* and *inedible fats, tallows*, and *grease*, restricted in (A) against the transportation of animal and vegetable fats from Terminal Island and South Fontana, Calif., and of inedible fats, tallow, and grease to New York City and Port Ivory, N.Y.; (B) *Crude soybean oils*, in bulk, in tank vehicles, from points in California to Faribault, Minneapolis, and St. Paul, Minn.; (C) *Unprocessed fats* and *vegetable oils*, in bulk, in tank vehicles, from points in California to Champaign, Ill. (except animal and vegetable fats from Terminal Island and South Fontana); (D) *Fats* and *oils* (except animal and vegetable fats from Terminal Island and South Fontana, Calif., and except those derived from petroleum, soap products, paint and fish oil), in bulk, in tank vehicles, from points in California located in and north of Santa Cruz, Santa Clara, Merced, Madera, Mono, and Inyo Counties to Memphis, Tenn.; (E) *Cottonseed oil, soybean oil, blends* and *products* thereof (except vegetable fats from Terminal Island and South Fontana, Calif.), in bulk, in tank vehicles, (1) from points in California located in and north of San Francisco, Alameda, San Joaquin, Calaveras, and Alpine Counties to Jackson, Miss., and (2) from points in California located on, north, and west of a line beginning at the California-Nevada State line along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 14, thence along California Highway 14 to junction California Highway 138, thence along California Highway 138 to junction California Highway 166, thence along California Highway 166 to Guadalupe, thence along unnumbered highway to Pt. Sal and the Pacific Ocean to Macon, Ga.; (F) *Vegetable oils* and *vegetable oil products* (except those derived from soap products and paint, and except vegetable fats from Terminal Island and South Fontana), in bulk, in tank vehicles, (1) from points in California located in and north of Humboldt, Trinity, Shasta, and Modoc Counties to points in Pennsylvania located in and south of a line beginning at the Pennsylvania-West Virginia State line along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the Pennsylvania-New York State line.

(2) From points in California located in Del Norte and Siskiyou Counties to points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, Catahoula, Concordia, Pointe Coupee, Iberville, Assumption, St. Martin, and St. Mary Parishes, (3) from points in California located in Modoc County to points in Louisiana located in and east of Claiborne, Bienville, Winn, Grant, Rapides, Evangeline, St. Landry, Lafayette, and Iberia Parishes, (4) from points in California located in and north of Mendocino, Lake, Colusa, Sutter, and Placer Counties to points in Mississippi (except Jackson, Miss.), (5) from points in California located in and north of San Francisco, Alameda, San Joaquin, Calaveras, and Alpine Counties (except as described in (4) above), to points in Mississippi located in and east and north of Washington, Humphreys, Yazoo, Madison, Rankin, Simpson, Jefferson Davis, Lamar, Stone, and Harrison Counties (except Jackson, Miss.), (6) from points in California located in and north of Santa Cruz, Santa Clara, Merced, Fresno, and Inyo Counties [except as described in (4) and (5) above] to points in Mississippi located in and north of Tunica, Panola, Yalobusha, Calhoun, Chickasaw, Clay, and Lowndes Counties, (7) from points in California located in and north of Monterey, San Benito, Merced, Madera, and Mono Counties to points in Georgia (except Macon, Ga.), (8) from points in California located in Kings, Fresno, Tulare, and Inyo Counties to points in Georgia located in, east, and north of Haralson, Paulding, Douglas, Coweta, Meriwether, Talbot, Taylor, Macon, Dooly, Crisp, Turner, Tift, Cook, and Lowndes Counties (except Macon, Ga.), (9) from points in California located in Los Angeles, San Bernardino, Ventura, Santa Barbara, San Luis Obispo, and Kern Counties to points in Georgia located in Columbia and Richmond Counties, (10) from points in California located in and north of Mendocino, Lake, Colusa, Sutter, and Placer Counties to points in New York located on and south of a line beginning at the New York-Pennsylvania State line along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 67, thence along New York Highway 67 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9L, thence along New York Highway 9L to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line.

(11) From points in California located in and north of San Luis Obispo, Kern,

and Inyo Counties [except that area described in (10) above], to points in New York located in and south of Rockland and Westchester Counties, (12) from points in California located in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties to points in Alabama, and (13) from points in California located in Monterey, Fresno, Mono, Madera, Mariposa, Merced, and San Benito Counties to points in Alabama located in and north of Lamar, Fayette, Walker, Jefferson, Shelby, Talladega, Clay, Tallapoosa, and Lee Counties; (G) *Fats* and *oils* (except those derived from petrolum and petroleum products, molasses, and fish oils and except animal and vegetable fats from Terminal Island and South Fontana), in bulk, in tank vehicles, (1) from points in California located in Humboldt, Del Norte, Siskiyou, and Modoc Counties to points in Missouri (except Atchison and Holt Counties and points in Nodaway County located west of U.S. Highway 71), (2) from points in California located in and north or Santa Cruz, Santa Clara, San Joaquin, Calaveras, and Alpine Counties to points in Missouri located in and east of Cass, Henry, St. Clair, Polk, Greene, Christian, and Taney Counties (except Atchison and Holt Counties and except points in Nodaway Counties located west of U.S. Highway 71), and (3) from points in California [except as described in (1) and (2) above] to points in Missouri located in and east of Putnam, Sullivan, Macon, Randolph, Audrain, Callaway, Gasconade, Franklin, Washington, St. Francis, Madison, Bollinger, Scott, and Mississippi Counties; (H) *Such fats* and *oils* embraced within chemicals (except petroleum chemicals, fish oils, and except animal and vegetable fats from Terminal Island and South Fontana), in bulk, in tank vehicles, (1) from points in California located in and south of San Luis Obispo, Kings, Tulare, and San Bernardino Counties to points in Minnesota located in and east of Kittson, Marshall, Polk, Mahnomen, Becker, Otter Tail, Douglas, Pope, Kandiyohi, Renville, Brown, Watonwan, and Martin Counties, and (2) from points in California [except as described in (1) above] to points in Minnesota located in and east of the counties of Fairbault, Blue Earth, Nicollet, Sibley, McLeod, Wright, Stearns, Morrison, Cass, Itasca, Koochiching, and Lake of the Woods Counties; (I) *Inedible animals fats* and *soybean oil foots* (except animal fats from Terminal Island and South Fontana), in bulk, in tank vehicles, from points in California to points in Illinois on and north of Illinois Highway 17 (except Bradley, Ill.).

(J) *Acid* and *chemicals*, in bulk, in tank vehicles, from points in California located in and north of Mendochino, Lake, Colusa, Sutter, and Placer Counties to Dallas Tex.; (K) *Such paint materials, polyvinyl acetate, linseed oils, blends* and *products* thereof as are embraced within chemicals, in bulk, in tank vehicles, from points in California located in and north of Mendochino, Lake, Colusa, Sutter, and Placer Counties to Houston, Tex.; (L) *Acids* and *chemicals*, in bulk, from points in California to points in Kentucky, North Carolina, Ohio, and South Carolina; (M) *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorothetrafluorethane,* and *mixtures* thereof, in bulk, in tank vehicles, (1) from points in California [except as described in (2) below] to points in Alabama located in, east, and north of Lamar, Tuscaloosa, Bibb, that portion of Dallas and Perry Counties on and north of a line beginning at Benton along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to the Perry-Hale County line, Lowndes, Crenshaw, Coffee, and Geneva Counties (except Fox), and (2) from points in California located in and north of San Luis Obispo, Kern, and Inyo Counties to points in Alabama (except Fox); (N) *Chemicals*, in bulk, from points in California to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (O) *Acids* and *chemicals* (except derivatives of petroleum and petroleum products, synthetic resins and varnish), in bulk, in tank or hopper vehicles, (1) from points in California located in and south of San Luis Obispo, Kings, Tulare, and Inyo Counties to points in Minnesota, (2) from points in California located in and south of San Francisco, Contra Costa, San Joaquin, Amador, and Alpine Counties [except those points described above in (1)] to points in Minnesota located in and east of Koochiching, Itasca, Cass, Todd, Stearns, Kandiyohi, Renville, Redwood, Cottonwood, and Nobles Counties, and (3) from points in California [except those points described above in (1) and (2)] to points in Minnesota located in and east of Chicago, Anoka, Hennepin, Scott, LeSeuer, Blue Earth, and Martin Counties.

(P) *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from points in California located in Riverside, San Diego, and Imperial Counties to points in Alabama within 400 miles of Woodstock, Tenn. (except those in Washington, Mobile, Baldwin, and Escambia Counties), and (2) from points in California (except those in Riverside, San Diego, and Imperial Counties) to points in Alabama within 400 miles of Woodstock, Tenn.; (Q) *Phosphoric acid*, in bulk, in tank vehicles, (1) from points in California located south of those counties set forth in (2) below to points in Alabama located in and north of Marion, Fayette, Walker, Jefferson, Shelby, Chilton, Autauga, Montgomery, Pike, Dale, and Houston Counties, and (2) from points in California located in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Mono Counties to points in Alabama; (R) *Acetic acid*, in bulk, in tank vehicles, (1) from points in California located in Imperial County to points in Alabama (except those in Washington, Mobile, and Baldwin Counties), and (2) from points in California (except Imperial County) to points in Alabama; (S) *Acids* and *chemicals*, in bulk, from points in California located in and south of San Luis Obispo, Kings, Fresno, and Inyo Counties to points in South Dakota located in and east of Roberts, Grant, Codington, Hamlin, Brookings, Lake, McCook, Turner, and Yankton Counties; (T) *Acids* and *liquid chemicals* (except petroleum chemicals), in bulk, in tank vehicles, (1) from points in California located in and north of Mendochino, Lake, Colusa, Sutter, and Placer Counties to points in Texas located in and east of Grayson, Collin, Dallas, Kaufman, Henderson, Freestone, Leon, Madison, Walker, Montgomery, Harris, and Galveston Counties (except Harris, Jefferson, and Orange Counties), and (2) from points in California located in San Francisco, Marin, Sonoma, Contra Costa, Solano, Napa, San Joaquin, Sacramento, Yolo, Calaveras, Amador, El Dorado, and Alpine Counties to points in Texas located in Bowie, Morris, Cass, Marion, Harrison, Panola, Shelby, San Augustine, Sabine, Jasper, and Newton Counties; (U) *Caustic soda*, in bulk, in tank vehicles, from points in California located in and north of Mendochino, Lake, Colusa, Sutter, and Placer Counties to Houston, Tex.

(V) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in California north of those counties set forth in (2) below to points in Iowa (except Lyon, Sioux, Plymouth, O'Brien, and Osceola Counties), (2) from points in California located in and south of Monterey, San Benito, Fresno, Madera, and Inyo Counties to points in Iowa, (3) from points in California located in and north of Mono, Madera, Merced, San Benito, and Monterey Counties to points in Nebraska located in and east of Douglas, Sarpy, Cass, Otoe, and Gage Counties, (4) from points in California located in and south of San Luis Obispo, Kings, Fresno, and Inyo Counties to points in Nebraska located in and east of Cedar, Pierce, Madison, Platte, Butler, Seward, Saline, and Jefferson Counties, (5) from points in California located in and south of Sonoma, Napa, Yolo, Sacramento, and Placer Counties to points in Oklahoma located on and east of a line beginning at the Oklahoma-Kansas State line along Oklahoma Highway 99 to junction Oklahoma Highway 11, thence along Oklahoma Highway 11 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to the city limits of Tulsa, thence along the eastern city limits of Tulsa to junction with the Muskogee Turnpike, thence along the Muskogee Turnpike to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Arkansas-Oklahoma State line, (6) from points in California located in and north of Mendochino, Lake, Colusa, Sutter, Yuba, and Nevada Counties to points in Oklahoma located in and east of Grant, Garfield, Logan, Oklahoma, Cleveland, McClain, Garvin,

Carter, and Love Counties, (7) from points in California to points in Illinois, points in Kansas located in and east of Washington, Clay, Ottawa, Saline, Marion, Butler, Elk, and Chautauqua Counties and points in Missouri, (8) from points in California located in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Mono Counties to points in Arkansas, (9) from points in California located in San Luis Obispo, Kern, Inyo, Monterey, San Benito, Merced, Mariposa, Madera, Fresno, Kings, and Tulare Counties to points in Arkansas located in, east, and north of Scott, Montgomery, Clark, Ouachita, and Union Counties, (10) from points in California located in and south of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties to points in Arkansas located in and north of Sebastian, Logan, Yell, Garland, Saline, Grant, Jefferson, Lincoln, and Desha Counties, and (11) from points in California to points in Connecticut, Georgia, and Indiana, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen, to points in Georgia; (W) *Liquid chemicals*, in bulk, in tank vehicles, from points in California to points in Rhode Island; (X) Such *fats* and *grease* as are embraced within chemicals, in bulk, in tank vehicles, from points in California to points in Maine, New Hampshire, and Vermont.

(Y) *Such fats* and *oils* and *blends* and *products* thereof as are embraced within chemicals (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, from points in California to points in Florida; and (Z) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in California located in and south of Santa Cruz, San Benito, Merced, Madera, and Inyo Counties to points in Michigan, and (2) from points in California (except that area described in (1) above) to points in Michigan (except Gogebic, Ontonagon, Houghton, Keweenaw, and Baraga Counties). The purpose of this filing is to eliminate the gateways of: (A), (B), (C), & (D), Iowa City, Iowa; (E), (F), Iowa City, Iowa, and Memphis, Tenn.; (G), Iowa City, Iowa; (H), Windham, Iowa, and points within 15 miles thereof; (I), Iowa City, Iowa; (J), (K), & (L), Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans.); (M), Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), and Marshall County, Ky.; (N) (O), (repeat gateways in (J), (K), & (L); (P), Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (Q), Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), Saginaw, Mo., and points within 15 miles thereof, and Columbia, Tenn.; (R), Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), Saginaw, Mo., and points within 15 miles thereof, and Memphis, Tenn.; (S) Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.); (T), Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), and Lawrence, Kans.; (U) Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.), and Tulsa, Okla.; (V), Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.); (W), Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Muscatine, Iowa; (X), Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kansas., commercial zones, and Dubuque, Iowa; (Y), the Kansas City, Kans., and Olathe, Kans., commercial zones (Turner, Kans.), and points in Arkansas within the Memphis, Tenn.; and (Z), the Kansas City, Kans., and Olathe, Kans., commercial zones (Turner, Kans.), and the plant site of Blockson Chemical Co., at or near Joliet, Ill.

No. MC 92983 (Sub-No. E60), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, from points in California to points in Massachusetts; (B) *Arsenic acid*, in bulk, in tank vehicles, and *agricultural insecticides*, in bulk, in hopper vehicles, from points in California to points in Alabama (except Bay Minette); (C) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in California located in and South of San Francisco, Contra Costa, San Joaquin, Amador, and Alpine Counties to points in Wisconsin, (2) from points in California (except those described in (1) above) to points in Wisconsin located in, east, and south of Buffalo, Eau Claire, Chippewa, Taylor, Price, and Vilas Counties; (3) from points in California located in and south of San Francisco, Contra Costa, San Joaquin, Amador, and Alpine Counties to points in Minnesota located in Goodhue, Wabasha, Olmstead, Winona, Fillmore, and Houston Counties, and (4) from points in California located in and south of San Luis Obispo, Kings, Tulare, and Inyo Counties to points in Minnesota located on and east of a line beginning at the Minnesota-Iowa State line along Minnesota Highway 15 to St. Cloud, thence along the western boundaries of Benton, Mille Lacs, Crow Wing, Aitkin, Itasca, and Koochiching Counties to the United States-Canada International Boundary line; (D) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in California to points in Tennessee, (2) from points in California located in and north of San Luis Obispo, Kern, and Inyo Counties to points in Mississippi, and (3) from points in California located south of San Luis Obispo, Kern, and Inyo Counties to points in Mississippi located in and north of Bolivar, Humphreys, Holmes, Attala, Leake, Neshoba, and Lauderdale Counties; (E) *Acids* and *chemicals* (except cryogenic liquids), in bulk, in tank or hopper vehicles, (1) from points in California located in and south of Monterey, San Benito, Merced, Mariposa, Madera, and Mono Counties to points in Minnesota located in and east of Nobles, Cottonwood, Brown, Nicollet, Sibley, McLeod, Wright, Sherburne, Isanti, Kanabec, Pine, Carlton, and St. Louis Counties, (2) from points in California located in and south of San Luis Obispo, Kings, Fresno, Tulare, and Inyo Counties to points in Minnesota located in, north, and west of Rock, Murray, Redwood, Renville, Meeker, Stearns, Benton, Mille Lacs, Aitkin, Itasca, and Koochiching Counties (except Kittson, Roseau, and Marshall Counties), and (3) from points in California located in and south of Los Angeles and San Bernardino Counties to Kittson, Roseau, and Marshall Counties, Minn.

(F) *Liquid chemicals*, in bulk, in tank or hopper vehicles, from points in California located in and north of Mendochino, Lake Colusa, Sutter, and Placer Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Polk, Hardin, and Jefferson Counties; (G) *Acids* and *chemicals*, in bulk, (1) from points in California located in and north of San Francisco, Contra Costa, San Joaquin, Calaveras, and Alpine Counties to points in Louisiana, and (2) from points in California located in and north of San Luis Obispo, Kern, and Inyo Counties (except that area described in (1) above) to points in Louisiana located in and east of Union, Ouachita, Richland, Franklin, Tensas, Concordia, West Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and La-Fourche Parishes; (H) *Animal fats* and *oils* and *vegetable fats*, in bulk, in tank vehicles, (1) from points in California to points in Tennessee, (2) from points in California located in and north of San Mateo, Alameda, San Joaquin, Calaveras, Tuolumne, and Alpine Counties to points in Louisiana, (3) from points in California located in and north of San Luis Obispo, Kings, Tulare, Inyo and in and south of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Mono Counties to points in Louisiana located in and east of Union, Ouachita, Richland, Franklin, Tensas, Concordia, West Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and La-Fourche Parishes, (4) from points in California located in and north of San Luis Obispo, Kern, and Inyo Counties to points in Mississippi, (5) from points in California south of San Louis Obispo, Kern, and Inyo Counties to points in Mississippi located in and north of Washington, Humphreys, Holmes, Attala, Leake, Neshoba, and Lauderdale Counties, (6) from points in California to points in Delaware, Florida, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia, (7) from points in California (except Modoc County) to points in Ohio, (8) from points in California located in Modoc County to points in Ohio (ex-

cept Williams and Fulton Counties), (9) from points in California located in and north of Santa Cruz, Santa Clara, Merced, Fresno, and Inyo Counties to points in Indiana located in and south of Vermilion, Fountain, Tippecanoe, Clinton, Howard, Miami, Wabash, Huntington, and Allen Counties.

(10) From points in California located in and south of Monterey, San Benito, Kings, Tulare, and San Bernardino Counties to points in Indiana, (11) from points in California located in and south of San Mateo, Alameda, Stanslaus, Mariposa, Fresno, and Inyo Counties to points in Arkansas located in and east of Sharp, Independence, Jackson, Woodruff, Prairie, Arkansas, Desha, and Chicot Counties, (12) from points in California located in and north of San Francisco, Contra Costa, San Joaquin, Calaveras, Tuolumne, and Mono Counties to points in Arkansas located in and east of Marion, Searcy, Van Buren, Conway, Faulkner, Pulaski, Saline, Grant, Cleveland, Bradley, and Ashley Counties, (13) from points in California located in and south of Monterey, San Benito, Kings, Tulare, and San Bernardino Counties to points in Illinois located in and south of Vermillion, Champaign, Douglas, Moultrie, Shelby, Fayette, Bond, and Clinton Counties and that portion of St. Clair and Monroe Counties on and south of a line beginning at the St. Clair-Clinton County line along U.S. Highway 50 to junction Illinois Highway 58, thence along Illinois Highway 58 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction unnumbered highway about three miles east of Hanover, thence along unnumbered highway to Merrimac and the Mississippi River, (14) from points in California located in and north of Santa Cruz, Santa Clara, Merced, Fresno, and Inyo Counties to points in Illinois located in and south of Madison, Montgomery, Christian, Macon, Piatti, Champaign, and Vermillion Counties, (15) from points in California to points in Wisconsin, and (16) from points in California to points in Iowa; (I) *Inedible fats, tallow,* and *grease,* in bulk, in tank vehicles, (1) from points in California to Faribault, Minneapolis, and St. Paul, Minn., and (2) from points in California to New York City and Port Ivory, N.Y.

(J) *Animal oils, fats, grease,* and *tallow,* in bulk, in tank vehicles, (1) from points in California to points in Connecticut, District of Columbia, Indiana, Maine, Massachusetts, Michigan, New Hampshire, Pennsylvania, Rhode Island, Vermont, and New York (except New York City and Port Ivory, N.Y.), (2) from points in California located in Riverside, San Diego, and Imperial Counties to points in Illinois located in and east and north of Madison, Clinton, Washington, Perry, Franklin, Williamson, and Pope Counties (except Chicago, Chicago Heights, Decatur, and Rockford, Ill.), (3) from points in California (except Riverside, San Diego, and Imperial Counties) to points in Illinois (except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford, Ill.), (4) from points in California located in and north of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties to points in Georgia, (5) from points in California located in San Luis Obispo, Kern, Inyo, Tulare, Kings, Monterey, San Benito, Fresno, and Madera Counties to points in Georgia located in, east, and north of Paulding, Douglas, Fulton, Fayette, Spalding, Lamar, Monroe, Crawford, Peach, Houston, Pulaski, Dodge, Telfair, Jeff Davis, Bacon, and Ware Counties and that portion of Polk County east of U.S. Highway 27, (6) from points in California located in Santa Barbara, Ventura, Los Angeles, San Bernardino, and Orange Counties to points in Georgia located in and east of Fannin, Gilmer, Dawson, Hall, Jackson, Ogle, Thorpe, Wilkes, McDuffie, and Richmond Counties, (7) from points in California located in and north of Marin, Sonoma, Napa, Soland, Sacramento, and El Dorado Counties to points in Alabama, (8) from points located in California in Santa Cruz, Santa Clara, Merced, Mariposa, Mono, Alpine, Tuolumne, Calaveras, Amador, San Joaquin, Contra Costa, Alamedo, San Meteo, and San Francisco Counties to points in Alabama located on and east of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 82 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Arkansas Highway 175, thence along Arkansas Highway 175 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 97, thence along Alabama Highway 97 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction Alabama Highway 189, thence along Alabama Highway 189 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 87, thence along Alabama Highway 87 to the Alabama-Florida State line, and (9) from points in California located in San Luis Obispo, Monterey, San Benito, and Fresno Counties to points in Alabama located in Madison, Jackson, DeKalb, and Cherokee Counties.

(K) *Sulphuric acid,* in bulk, in tank vehicles, and *phosphoric acid,* in bulk, in tank vehicles, from points in California to points in Louisiana; (L) *Phosphoric acid,* in bulk, in tank vehicles, and *sulphuric acid* (except to Neodesha, Kans.), in bulk, in tank vehicles, (1) from points in California located in and south of San Mateo, Santa Clara, Fresno, Tulare, and San Bernardino Counties to points in Kansas located in and east of Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner Counties, and (2) from points in California [except as described in (1) above] to points in Kansas located in and east of Atchison, Jefferson, Shawnee, Osage, Lyon, Chase, Butler, Sedgwick, and Sumner Counties; (M) *Caustic soda,* in bulk, in tank vehicles, (1) from points in California located in and north of Santa Barbara, Kern, and San Bernardino Counties to Houston, Tex., and (2) from points in California to Wichita, Kans.; (N) *Chemicals,* in bulk (except liquid hydrogen, liquid oxygen, and liquid nitrogen, in bulk, in tank vehicles, to missile storage points, missile launching sites, missile test facilities, or manufacturing plants producing liquid hydrogen, liquid oxygen, and liquid nitrogen), (1) from points in California located in and south of Sonoma, Napa, Solano, San Joaquin, Stanislaus, Merced, Fresno, Tulare, Kern, and San Bernardino Counties to points in Kansas located in and east of Cowley, Butler, Chase, Norris, Wabaunsee, Pottawatomie, and Nemaha Counties, (2) from points in California [except as described in (1) above] to points in Kansas located in and east of Doniphan, Atchison, Jefferson, Douglas, Osage, Coffey, Greenwood, Elk, and Cowley Counties, and (3) from points in California to points in Arkansas, Mississippi, and Tennessee; (O) *Animal fats* and *vegetable oils,* in bulk in tank vehicles, from San Francisco and Los Angeles, Calif., to Memphis, Tenn.; (P) *Cottonseed oils* and *soybean oils,* in bulk, in tank vehicles, (1) from San Francisco and Los Angeles, Calif., to Cincinnati, Ohio, and (2) from San Francisco and Los Angeles, Calif., to Macon, Ga., and Jackson, Miss.; (Q) *Vegetable oils,* in bulk, in tank vehicles, (1) from Los Angeles and San Francisco, Calif., to points in New York and Pennsylvania, (2) from San Francisco, Calif., to points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, LaSalle, Avoyelles, Pointe Coupee, Iberville, St. Martin, and St. Mary Parishes, (3) from Los Angeles and San Francisco, Calif., to points in Alabama, Ga. (except Macon) and to points in Mississippi north and east of Washington, Humphreys, Yazoo, Madison, Scott, Smith, Covington, Jefferson, Davis, Lawrence, and Walthall Counties and that portion of Pike County on and east of U.S. Highway 51, and (4) from San Francisco and Los Angeles, Calif., to points in Michigan located in the Lower Peninsula and the Upper Peninsula, Luce, Mackinac, and Chippewa Counties and that portion of Schoolcraft County on and east of Michigan Highway 94; and (R) *Inedible animal fats* and *vegetable oils,* in bulk, in tank vehicles, from San Francisco and Los Angeles, Calif., to Ida Grove, Iowa.

The purpose of this filing is to eliminate the gateways of: (A), the Olathe and Kansas City, Kans., commercial zones (Turner, Kans.), and Tulsa, Okla.; (B), the Olathe, Kans., and the Kansas City, Kans., commercial zones (Turner, Kans.), and points in Arkansas within the Memphis, Tenn., commercial zone; (C), the Olathe, Kans., and the Kansas City, Kans., commercial zones (Turner, Kans.), and the plant site of Iowa-Guttenberg Terminal, Inc., near Guttenberg, Iowa; (D), the Olathe, Kans., and the Kansas City, Kans., commercial zones (Turner, Kans.), and Saginaw, Mo., and points within 15 miles thereof; (E), the Olathe, Kans., and the Kansas City, Kans., commercial zones (Turner,

Kans.), and Fremont, Nebr.; (F), the Olathe, Kans., and the Kansas City, Kans., commercial zones (Turner, Kans.), and Verona, Mo.; (G) the Olathe Kans., and the Kansas City, Kans., commercial zones (Turner, Kans.); (H) (1)–(5), Kansas City, Kans.; (H) (6)–(14), Kansas City, Kans., and Memphis, Tenn.; (H) (15)–(16), Nebraska; (I), Nebraska and Iowa; (J), Nebraska and Dubuque, Iowa; (K), (L), & (M), Tulsa, Okla.; (N), Saginaw, Mo., and points within 15 miles thereof; (O) Colorado; (P) & (Q), Colorado and Memphis, Tenn.; and (R), South Dakota.

No. MC 103993 (Sub-No. E67) (correction), filed May 24, 1974, and published in the FEDERAL REGISTER August 6, 1975, and republished as shown, this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Frank A. Antonovitz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and equipment incidental to the handling of such commodities, from points in that part of Florida south of a line beginning at Bayport, Fla., and extending east along Florida Highway 595 to the junction of Florida Highway 50, thence east along Florida Highway 50 to the junction of Interstate Highway 95, thence along Interstate Highway 95 to the junction of Florida Highway 70, thence along Florida Highway 70 to Fort Pierce, Fla., to points in Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Pinellas County, Fla. The purpose of this correction is to reflect the correct destination points.

No. MC 115331 (Sub-No. E24), filed May 16, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, in tank vehicles, from Selma, Mo., and points within five miles of Selma, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (2) *Dry fertilizer*, in bulk, in tank vehicles, from Selma, Mo., and points within five miles of Selma, to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateway of points in Illinois within the St. Louis, Mo., Commercial zone. (3) Dry fertilizer, in bulk, in hopper-type vehicles, from East St. Louis, Ill., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fulton, Ill. (4) *Fertilizer*, in bulk, in hopper-type vehicles, from East St. Louis, Ill., to points in Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (5) *Fertilizer compounds*, dry, in bulk, from Marseilles, Ill., to points in Arkansas, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (6) *Dry fertilizer*, in bulk, from Marseilles, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Clinton, Iowa. (7) *Dry fertilizer compounds*, in bulk, from Marseilles, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of El Paso, Ill.

(8) *Dry fertilizer compounds*, in bulk, from Marseilles, Ill., to points in Oklahoma and Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex.). The purpose of the filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (9) *Dry chemical fertilizer and dry fertilizer ingredients*, in bulk, in tank or hopper-type vehicles, from the plant of Central Nitrogen, Inc., near Terre Haute, Ind., to points in Arkansas, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (10) *Chemical fertilizer and fertilizer ingredients*, in bulk, in tank or hopper-vehicles, from the plant of Central Nitrogen, Inc., near Terre Haute, Ind., to points in Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (11) *Dry chemical fertilizer and dry fertilizer ingredients*, in bulk, in tank and hopper-type vehicles, from the Plant of Central Nitrogen, Inc., near Terre Haute, Ind., to points in Minnesota. The purpose of this filing is to eliminate the gateway of El Paso, Ill. (12) *Dry fertilizer and dry fertilizer materials*, in bulk, from Clinton, Iowa, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Cairo, Ill. (13) *Dry fertilizer and dry fertilizer materials, in bulk*, from Fulton, Ill., to points in Arkansas, Illinois, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, and Wisconsin. The purpose of this filing is to eliminate the gateway of Clinton, Iowa. (4) *Dry fertilizer and dry fertilizer materials*, in bulk, from Fulton, Illinois, to points in Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas). The purpose of this filing is to eliminate the gateways of Clinton, Iowa, and the plantsite and warehouse facilities of W. R. Grace and company at or near Atlas, Missouri. (15) *Dry fertilizer*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Arkansas. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (16) *Fertilizer*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

(17) *Fertilizer*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Cairo, Ill. (18) *Dry fertilizer*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas.) The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (19) *Dry ammonium nitrate*, in bulk, from Louisiana, Mo., to points in Arkansas, Kentucky, Oklahoma, Tennessee, and points in Indiana beginning at the Indiana-Illinois State line extending on and south of U.S. Highway 70 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of points in Illinois within the St. Louis, Mo. Commercial zone. (20) *Dry ammonium nitrate*, in bulk, from Louisiana, Mo., to points in Minnesota, Wisconsin, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (21) *Dry ammonium nitrate fertilizer*, in bulk, from Louisiana, Mo., to points in Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill. (22) *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite of W. R. Grace and Company at or near Perry, Iowa, to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (23) *Dry fertilizer*, from the plantsite of W. R. Grace and Company at or near Perry, Iowa, to points in Kansas beginning at the Kansas-Missouri State line extending on and south of U.S. Highway 59 to its junction with Kansas State Highway 4, thence on and south of Kansas State Highway 4 to its junction with Kansas State Highway 16, thence on and south of Kansas State Highway 16 to its junction with U.S. Highway 24, thence on and south of U.S. Highway 24 to its junction with Kansas State Highway 27, thence on and west of Kansas State Highway 27 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

(24) *Dry fertilizer*, from the plantsite of W. R. Grace and Company at or near Perry, Iowa, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of International Minerals and Chemical Corporation at Chicago Heights, Ill. (25) *Dry fertilizer*, from the plantsite of W. R. Grace and Company at or near Perry, Iowa, to points in Oklahoma and Texas (except bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties) and Arkansas. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (26) *Dry fertilizer*,

from the plantsite of W. R. Grace and Company at or near Perry, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of Streator, Ill. (27) *Chemical fertilizers*, in bulk, in tank or hopper-type vehicles, from Streator, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plantsite of Central Nitrogen, Inc., near Terre Haute, Ind. (28) *Dry fertilizer*, from Streator, Ill., to points in Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (29) *Dry fertilizer and dry fertilizer materials*, from Streator, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Clinton, Iowa. (30) *Dry fertilizer and dry fertilizer materials*, in bulk, from the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (31) *Dry fertilizer*, from the plantsite of International Minerals and Chemicals Corporation at Chicago Heights, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Madison. Iowa.

(32) *Dry fertilizer and dry fertilizer materials*, from the plantsite of International Minerals and Chemical Corporation at Chicago Height, Ill., to points in South Dakota and North Dakota. The purpose of this filing is to eliminate the gateway of Clinto, Iowa. (33) *Dry fertilizer and dry fertilizer materials*, from the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Texas, restricted against the transportation of bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (34) *Dry chemical fertilizer*, in bulk, in tank or hopper-type vehicles, from the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the site of the plant of Central Nitrogen, Inc., near Terre Haute, Ind. (35) *Dry fertilizer and dry fertilizer materials*, from the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Mo. (36) *Dry fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of Selma, Mo. (37) *Dry fertilizer*, from Nebraska City, Nebr., to points in Illinois, Michigan, Ohio, and Indiana. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

(38) *Dry fertilizer*, from Nebraska City, Nebr., to points in Texas, restricted against the transportation of bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (39) *Dry fertilizer*, in bulk, from Kansas City, Mo., to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of Selma, Mo. (40) *Dry fertilizer and dry fertilizer materials*, from Kansas City, Mo., to points in Arkansas and Texas, restricted against the transportation of bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (41) *Dry fertilizer*, from Kansas City, Mo., to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (42) *Dry fertilizer and dry fertilizer materials*, in bulk, from Kansas City, Mo., to points in Indiana, except to the sites of glass manufacturing plants in Indiana (except those at Gas City, Ind.). The purpose of this filing is to eliminate the gateway of points in Illinois within the St. Louis, Mo., Commercial zone. (43) *Dry fertilizer*, from Kansas City, Mo., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Nebraska City, Nebr. (44) *Dry fertilizer*, from Kansas City, Mo., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of W. R. Grace and Company at or near Perry, Iowa. (45) *Dry fertilizer and dry fertilizer materials*, in bulk, from Cairo, Ill., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo. (46) *Dry fertilizer*, in bulk, in tank vehicles, from Cairo, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateway of Selma, Mo.

(47) *Dry fertilizer and dry fertilizer materials*, in bulk, from Cairo, Ill., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of El Paso, Ill. (48) *Fertilizer*, in bulk, from Cairo, Ill., to points in Minnesota, Nebraska, and South Dakota. The purpose of this filing is to eliminate the gateway of Selma, Mo. (49) *Chemical fertilizers*, in bulk, in tank or hopper-type vehicles, from Cairo, Ill., to points in Michigan. The purpose of this filing is to eliminate the gateway of the site of the plant of Central Nitrogen, Inc., near Terre Haute, Ind. (50) *Fertilizer*, in bulk, from Cairo, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (51) *Fertilizer*, from the plantsite and warehouse facilities of W.R. Grace and Company, located at or near Henry, Ill., to points in Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (52) *Dry fertilizer and dry fertilizer materials*, from the plantsite and warehouse facilities of W. R. Grace and Company, at or near Henry, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Mo. (53) *Dry fertilizer*, in bulk, in tank vehicles, from the plantsite of W. R. Grace and Company, at or near Henry, Ill., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Selma, Mo. (54) *Dry fertilizer and dry fertilizer materials*, from the plantsite of W. R. Grace and Company, at or near Henry, Ill., to points in Texas, restricted against the transportation bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsite of W. R. Grace and Company at or near Atlas, Mo. (55) *Dry fertilizer*, from the plantsite and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Nebraska City, Nebr.

(56) *Dry fertilizer*, from the plantsite and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plantsite of W. R. Grace Chemical Company, at or near Perry, Iowa. (57) *Dry fertilizer* (except urea) from Omaha, Nebr., to points in Arkansas and Texas, restricted against the transportation of bulk commodities to points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsite of W. R. Grace and Company, at or near Atlas, Mo. (58) *Anhydrous ammonia, urea, and fertilizer* (except anhydrous ammonia and urea) from Omaha, Nebr., to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa. (59) *Dry fertilizer and dry urea*, from Omaha, Nebr., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Clinton, Iowa. (60) *Dry fertilizer*, from Omaha, Nebraska, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of W. R. Grace Chemical Company at or near Perry, Iowa. (61) *Fertilizer* (except sulfuric acid), in bulk, in tank vehicles, from North Little Rock, Ark., to points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to the Illinois-Indiana State line and points in Iowa beginning at the Iowa-Missouri State line extending on and east of U.S. Highway 69 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Selma, Mo. (62) *Fertilizer and fertilizer ingredients* (except sulfuric acid), in bulk, from North Little Rock, Ark., to points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Selma, Mo. (63) *Dry fertilizer*, from

North Little Rock, Ark., to points in Kansas, Nebraska, and points in Iowa beginning at the Iowa-Missouri State line extending on and west of U.S. Highway 69 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo. (64) *Fertilizer* (except anhydrous ammonia, urea, and sulfuric acid), in bulk, from North Little Rock, Ark., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr. (65) *Fertilizer*, (except sulfuric acid), in bulk, from North Little Rock, Ark., to points in Ohio. The purpose of this filing is to eliminate the gateway of Selma, Mo.

No. MC 115904 (Sub-No. E6), filed December 11, 1975. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, from points in California on and north of Interstate Highway 80 commencing at San Francisco, Calif., thence along Interstate Highway 80 to the California-Nevada State line, to points in Utah, on, north, and east of Interstate Highway 80 commencing at Wendover, Utah, thence along Interstate Highway 80 to Salt Lake City, Utah, thence along Interstate Highway 15 to Spanish Fork, Utah, thence along U.S. Highway 50–6 to junction with Interstate Highway 70, thence along Interstate Highway 70 to Crescent Junction, Utah, thence along U.S. Highway 163 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 127187 (Sub-No. E1) (Correction), filed May 13, 1974, and published in the FEDERAL REGISTER August 20, 1975, and republished in the FEDERAL REGISTER March 31, 1976, and republished as shown, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg. Fargo N. Dak. 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dry animal and poultry* feed (except frozen animal feed and commodities in bulk, in tank vehicles): * * * (H) From points in Davison, Hanson, Sanborn, Miner, Beadle, and Kingsbury, Counties, South Dakota, to points in Nuckolls, Thayer, and Jefferson Counties, Nebraska, and those points in Nebraska, on and east of Nebraska Highway 15 (except points in Cedar County). The purpose of this filing is to eliminate the gateways of: Part (H) Sioux City, Iowa; * * * The purpose of this correction is to correct part (H). The remainder of the letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13093 Filed 5-4-76;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

APRIL 30, 1976.

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on this 22nd day of April, 1976.

It appearing, That a petition has been filed by Truck Transport, Inc. (MC–115331 and numerous subs) and Keightley Bros., Inc. (MC–41849 and various subs), under temporary common control for waiver of paragraphs (a) (3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition;

It is ordered, That waiver of paragraph (a) (3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations by the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board members, Teeple and Sibbald.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13094 Filed 5-4-76;8:45 am]

[Notice No. 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 30, 1976.

Importance notice: 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 May 20, 1976. 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 19201 (Sub-No. 123TA) (Correction), filed February 27, 1976, published in the FEDERAL REGISTER issue of March 15, 1976, republished as corrected this issue. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th St., and Parkside Ave., Philadelphia, Pa. 19131. Applicant's representative: Robert H. Griswold, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108. 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 and motor vehicles when transported in special equipment), between the plantsites of Dow Chemical Company and Dow Corning Corp., at Midland, Mich., on the one hand, and, on the other, Detroit, Mich., restricted to traffic having a prior or subsequent movement in rail service of Consolidated Rail Corporation. Applicant intends to interline at Detroit, Mich., with rail or water carriers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Dow Chemical U.S.A. and Dow Corning Corporation. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106. The purpose of this republication is to add Dow Corning Corp. as a supporting shipper, and to have the scope of the TA agree with the previously granted ETA.

No. MC 115904 (Sub-No. 50TA), filed April 21, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster*, from the plantsite of Flintkote Co., in Clark County, Nev., to Portland, Oreg., and points in the commercial zone thereof, for 180 days. Supporting shipper: The Flintkote Company, 2201 E. Washington Blvd., Los Angeles, Calif. 90021. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 119700 (Sub-No. 30TA) (Correction), filed January 26, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, republished as corrected this issue. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas

City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, and (2) *Materials, equipment and supplies* used in the manufacture, processing and distribution of iron and steel articles; (1) from the plantsite of National Pipe & Tube Co., located in Liberty County, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin; and (2) from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin to the plantsite of National Pipe & Tube Co., located in Liberty County, Tex., restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: National Pipe and Tube Company, 20th and State Streets, Granite City, Ill. 62040. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the requested authority.

No. MC 126736 (Sub-No. 86TA) (Correction), filed April 7, 1976, published in the FEDERAL REGISTER issue of April 23, 1976, republished as corrected this issue. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Capryl alcohol*, in bulk, in tank vehicles, from the plantsite of Conoco Chemical Corp., at or near Westlake, La. (Calcasieu Parish), (to Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chem-Fleur, Inc., 200 Pulaski St. Newark, N.J. 07105. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to add the field office address for receipt of protests.

No. MC 128633 (Sub-No. 11TA), filed April 23, 1976. Applicant: LAUREL HILL TRUCKING CO., INC., 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except foodstuffs and commodities in bulk), between carrier's terminal at Secaucus, N.J., on the one hand, and on the other, South Gate, Roseville, Detroit, Southfield, and Madison Heights, Mich.; and Oaklawn, Matteson, Elmhurst, Morton Grove, North Riverside, and Arlington Heights, Ill., restricted to shipments originating at or destined to retail stores of warehouses of Korvettes Department Stores at the above named points, under a continuing contract with Korvette Dept. Stores, Div. of Korvettes, Inc., for 180 days. Supporting shipper: Korvette Dept. Stores, Div. of Korvettes, Inc., 450 West 33rd St., New York, N.Y. 10001. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 128750 (Sub-No. 7TA), filed April 21, 1976. Applicant: PITT TRUCK, INC., P.O. Box 172, Augusta, Ill. 62311. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous* ammonia, in bulk, from the plantsite and storage facilities of American Cyanamid Company, located in Marion County, Mo., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: A. B. Chrisman Fertilizer Company, A. B. Chrisman, President, P.O. Box 158, Meredosia, Ill. 62665. American Cyanamid Company, R. J. Van Nostrand, Traffic Manager, P.O. Box 400, Princeton, N.J. 08540. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129282 (Sub-No. 29TA), filed April 21, 1976. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, from San Antonio, Tex., to points in Arkansas, Tennessee, and Chickasha, Oklahoma City, and Tulsa, Okla.; and from Arkansas, Tennessee and Muskogee, Sand Springs, Sapulpa, Chicasha, Oklahoma City, and Tulsa, Okla., to San Antonio, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pearl Brewing Company, P.O. Box 1661, San Antonio, Tex. 78296. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 138069 (Sub-No. 4TA), filed April 16, 1976. Applicant: LUCIUS, INC., 9250 North Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and non-alcoholic beverage mixes*, from Houston, Tex., to Denver, Colo., restricted to traffic destined to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Midwest Liquor & Wine Company, 10700 E. 40th Ave., Denver, Colo. 80230. Best Brands, Inc. (Wine and Liquor Division), 5700 E. 39th Ave., Denver, Colo. 80207. C & C Distributors Co., 4607 Monaco Blvd., Denver, Colo. 80200. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 138134 (Sub-No. 6TA), filed April 21, 1976. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, Iowa 52632. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products*, in containers, from Keokuk, Iowa, to points in Arkansas, Connecticut, Florida, Louisiana, Massachusetts, Maryland, Michigan, New Jersey, North Carolina, New Hampshire, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia; and (2) *Materials, equipment and supplies* used in the manufacture, processing, sale and distribution of corn products (except in bulk), from points in Arkansas, Connecticut, Florida, Louisiana, Massachusetts, Maryland, Michigan, New Jersey, North Carolina, New Hampshire, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia to Keokuk, Iowa, under a continuing contract with The Hubinger Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Hubinger Company, P.O. Box 647, Keokuk, Iowa 52632. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138203 (Sub-No. 4TA) (Correction), filed April 8, 1976, published in the FEDERAL REGISTER issue of April 28, 1976, republished as corrected this issue. Applicant: CURTIS BROTHERS TRUCKING CO., INC., Box 221 D, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 1123 Munsey Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Virginia to points in Tennessee, Maryland, Delaware, New Jersey, West Virginia, and Pennsylvania (Restricted against the transportation of traffic originating at Winchester, Va., and its commercial zones and destined to points in Delaware, New Jersey and Pennsylvania), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Best Way Construction, Inc., 2850 Beechtree Lane, Woodbridge, Va. 22191. Send protests to: Interstate Com-

merce Commission, 12th & Constitution Ave. NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423. The purpose of this republication is to correct docket number MC 138203 (Sub-No. 4TA) in lieu of MC 138202 (Sub-No. 4TA).

No. MC140615 (Sub-No. 13TA), filed April 22, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy by-products*, from Coleman, Wis., and Coleman, Wis., with a stop off at Green Bay, Wis., for completion of loading to Curwensville, Pa., restricted to shipments at Green Bay, Wis.; restricted to those moving under a split pickup with shipments originating at Coleman, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coleman Cheese Co., Coleman, Wis. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141076 (Sub-No. 6TA), filed April 22, 1976. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, Box 388 D2, Hackettstown, N.J. 07840. Applicant's representative: Morton E. Kiel, Suite 6139, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from New York, N.Y., to the District of Columbia, for 180 days. Supporting shipper: Avoset Food Corporation, 80 Grand Ave., Oakland, Calif. 94612. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 141278 (Sub-No. 5TA), filed April 23, 1976. Applicant: CHARLES W. SIRCY CORPORATION, 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses (except hides, skins and pieces therefrom and commodities in bulk), from Clarksville, Tenn., to Boston, Mass.; Claremont, N.C.; Kinston, N.C.; Claremont, N.H.; Newark, N.J.; Utica, N.Y.; Middletown, N.Y.; New York, N.Y.; Cincinnati, Ohio; Jersey Shore, Pa.; Ivor, Va.; Norfolk, Va.; Richmond, Va.; Suffolk, Va.; and Washington, D.C., and their commercial zones, under a continuing contract with Frosty Morn Meats, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Frosty Morn Meats, Inc., Clarksville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141989TA, filed April 22, 1976. Applicant: CHRISTIANSON LIME SPREADING SERVICE, INC., Route 2, Box 202, Almond, Wis. 54909. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Taconite mine tailings*, from the mine facility of Jackson County Iron Co., at or near Black River Falls, Wis., to the facilities of Dunn Blacktop Plant, at or near Winona, Minn., under a continuing contract with Mathy Construction Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mathy Construction Co., 206 Cameron Ave., LaCrosse, Wis. 54601. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141999TA, filed April 22, 1976. Applicant: FAST FOOD MERCHANDISERS, INC., 1233 North Church St., Rocky Mount, N.C. 27801. Applicant's representative: Henry U. Snavely, 410 Pine St., Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, in containers of in trailers, having a prior movement by water, from Norfolk, Va., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract with The Tupman Thurlow Co. Inc., for 180 days. Supporting shipper: The Tupman Thurlow Co. Inc., 155 East 44th St., New York, N.Y. 10017. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 142000 TA, filed April 23, 1976. Applicant: LOWELL SAMPSON, INC., 400 East Lundy Lane, Leland, Ill. 60531. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feltilizer*, from Prairie du Chien, Wis., to De Kalb, Elburn, Hampshire, Waterman, Kirkland, and Hinckley, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern FS, Inc., George S. Peters, General Manager, 315 N. Sixth St., De Kalb, Ill. 60115. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR.Doc.76-13088 Filed 5-4-76;8:45 am]

[Section 5a Application No. 25, (Amendment No. 6)]

THE NEW ENGLAND MOTOR RATE BUREAU, INC.

Agreement

APRIL 23, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: April 1, 1976 by: Herman Matthei, General Manager, New England motor Rate Bureau, 14 New England Executive Park, Burlington, Mass. 01803.

The Amendments involve: Changes to comport with Ex Parte No. 297, Rate Bureau Investigation, 349 I.C.C. 811 and 351 I.C.C. 437, so as to require Public Notice, show reasons for recommended disposition of rate proposals, provide 120-days period for proposal disposition, and preclude shipper-affiliated carriers from serving on the board of directors or ratemaking committees without prior Commission approval.

The complete application may be inspected at the Office of the Commission in Washington, D.C..

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As Provided by the General Rules of Practice, of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13092 Filed 5-4-76;8:45 am]

[I.C.C. Order No. 163-A Under Revised Service Order No. 994]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 163 (Burlington Northern Inc. and Canadian National Railways), and good cause appearing therefore:

It is ordered, That, I.C.C. Order No. 163 be, and it is hereby, vacated and set aside.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-13090 Filed 5-4-76;8:45 am]

SOUTHERN PACIFIC TRANSPORTATION CO.

[I.C.C. Order No. P–4]

Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland, California, and Bakersfield, California; that the operation of these trains require the use of employees, tracks and other facilities of The Atchison, Topeka and Santa Fe Railway Company (ATSF); that a portion of ATSF's tracks between Port Chicago, California, and Fresno, California, are temporarily out of service because damage to a bridge by fire; that an alternate route is available via the Southern Pacific Transportation Company between these points; that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

(a) Pursuant to the authority vested in me by order of the Commission served June 14, 1974; and of the authority vested in the Commission by section 402 (c) of the Rail Passenger Service Act of 1970 (45 USC § 562(c)), the Southern Pacific Transportation Company (SP) be, and it is hereby directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with The Atchison, Topeka and Santa Fe Railway Company at Port Chicago, California, and another connection at Fresno.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 8:45 a.m., PST, April 23, 1976.

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

It is further ordered, That this order shall be served upon the Southern Pacific Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13097 Filed 5–4–76;8:45 am]

federal register

WEDNESDAY, MAY 5, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

■

HEAD START PROGRAM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

[45 CFR Part 1301]

PROGRAM AND GRANTS ADMINISTRATION FOR HEAD START, TECHNICAL ASSISTANCE AND TRAINING, AND RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations for the administration of technical assistance and training, and research, demonstration, or pilot projects grants and contracts awarded under the Headstart-Follow Through Act, Title V of the Economic Opportunity Act of 1964 as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (Pub. L. 93–644, approved January 4, 1975). For this purpose it is proposed to revoke 45 CFR Part 1301, Fee Schedule for Head Start Program, the implementation of which is specifically prohibited by the Headstart-Follow Through Act, and to substitute a new Part 1301 as revised by the regulations proposed herein.

A basic purpose of the proposed regulations is to make applicable to the administration of Head Start programs and to grants for technical assistance and training, and research, demonstration, or pilot projects, the provisions, with certain exceptions, of 45 CFR Part 74, which establishes uniform requirements for the administration of grants and principles for the determination of program costs. The exceptions with respect to Head Start relate to audit standards and to requirements for bonding and insurance, for which the proposed regulations make special provisions.

The proposed regulations also include provisions which are required by the Headstart-Follow Through Act covering application and eligibility for operating a Head Start program, personnel administration requirements for a Head Start program, limitations on the costs of developing and administering a Head Start program and objective criteria for increase of the Federal share of the cost of a Head Start program above 80 percent. In addition, the proposed regulations incorporate, by reference, specific chapters of the Department of Health, Education, and Welfare Grants Administration Manual.

As stated, an important basis for the proposed regulations is found in the requirements for regulatory implementation contained in the Headstart-Follow Through Act. An equally significant basis is the need of the Head Start program as a whole for a set of definitive program and grants administration rules which are clearly identified with the Department of Health, Education, and Welfare. With the new legislation, the proposed regulations will serve to fill gaps and to assist in clarifying the legal situation.

It is therefore proposed to revoke 45 CFR 1301, Fee Schedule for Head Start program, and to substitute a revised 45 CFR 1301 as set forth hereinafter.

In accordance with section 517(d), of the Act, copies of this notice are being sent to each Head Start agency. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of Part 1301 to the Director, Office of Child Development, Office of Human Development, Department of Health, Education, and Welfare, 400 6th Street SW., Washington, D.C. 20201, on or before June 21, 1976. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202/755–7790).

(Catalog of Federal Domestic Assistance Programs No. 13.600, Child Development—Head Start)

Dated: April 7, 1976.

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

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

Chapter XIII of Subtitle B, Part 1301 is revised to read as follows:

PART 1301—PROGRAM AND GRANTS ADMINISTRATION FOR HEAD START, TECHNICAL ASSISTANCE AND TRAINING, AND RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

Subpart A—General

Sec.
1301.1–1 Purpose and Scope.
1301.1–2 Definitions.

Subpart B—Application for Designation (Initial Funding) or Refunding as Head Start Agency

1301.2–1 Who may apply: form and contents application.
1301.2–2 Application: review, disposition and notification.
1301.2–3 Application: amendment.
1301.2–4 Notice of grant awarded.
1301.2–5 Limitation on financial assistance.
1301.2–6 Project notification and review.

Subpart C—45 CFR Part 74 Applied to Head Start Programs

1301.3–1 General.
1301.3–2 Insurance and bonding.
1301.3–3 Annual audit of Head Start programs.
1301.3–4 Accounting system certification.

Subpart D—Non-Federal Share and Federal Payments

1301.4–1 Matching requirements.
1301.4–2 Criteria for increase in Federal share.
1301.4–3 Payments.

Subpart E—Limitation on Costs of Development and Administration of Head Start Programs

1301.5–1 General.
1301.5–2 Definitions.
1301.5–3 Approved percentage of costs of development and administration to total costs.
1301.5–4 Identification of costs of development and administration: excessive costs and request for waiver.
1301.5–5 Amendment affecting approved percentage.
1301.5–6 Separate annual report.
1301.5–7 Appeals.

Subpart F—Personnel and General Administration

1301.6–1 General.
1301.6–2 Personnel policies and procedures.
1301.6–3 Comparability of wages.
1301.6–4 Allocation of costs.
1301.6–5 Use of consultants.
1301.6–6 Conflict of interest.
1301.6–7 Nepotism.
1301.6–8 Unlawful activities.
1301.6–9 Political activities.
1301.6–10 Labor standards.
1301.6–11 Delegation of program operations.
1301.6–12 Reports and records.
1301.6–13 Procurements.
1301.6–14 Property.
1301.6–15 Costs of facilities.
1301.6–16 Appeals.
1301.6–17 Civil Rights.
1301.6–18 Nondiscrimination of handicapped.
1301.6–19 Nondiscrimination.

Subpart G—Technical Assistance and Training, and Research, Demonstration, and Pilot Projects

1301.7–1 Applicability of 45 CFR Part 74.
1301.7–2 Eligibility.
1301.7–3 Applicability of regulations in this part.
1301.7–4 Cost sharing in research.
1301.7–5 Contracts.
1301.7–6 Appeals.
1301.7–7 Protection of human subjects.
1301.7–8 Nondiscrimination.

AUTHORITY: 88 Stat. 2300, et seq. (42 U.S.C. 2928h et seq.).

Subpart A—General

§ 1301.1–1 Purpose and scope.

The purpose and scope of this Part are to provide policies and procedures applicable to program administration and grants management for all Head Start programs.

§ 1301.1–2 Definitions.

For the purposes of this Part, unless the context requires otherwise:

(a) The term "Act" means Title V of the Economic Opporunity Act of 1964, as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

(b) "Approved costs" means the total amount of expenditures, the Federal share plus the non-Federal share, budgeted for carrying out the program and activities provided for in an approved application for a Head Start progrm.

(c) "Budget period" means the interval of time, usually twelve months, for which grants are awarded.

(d) "Community" means a city, county, multicity, or multicounty unit within a State, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organization base and possesses the commonality of interest needed to operate a Head Start program.

(e) "Financial assistance" means Federal funds awarded by grant.

(f) "Grants Administration Manual" (hereinafter referred to as the "GAM") means the Department of Health, Edu-

cation, and Welfare Staff Manual which sets forth policies and procedures for the administration of grants by agencies of the Department. The Manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional offices pursuant to 45 CFR Part 5.

(g) "Head Start Agency" or "grantee" means a local public or private nonprofit agency designated as such under the Act.

(h) The term "delegate agency" means a public or private nonprofit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program in accordance with the provisions of Subpart 1301.6–11.

(i) "Head Start Program" means the program assisted under the Act carried on by a Head Start agency or delegate of such agency.

(j) "An independent auditor" means an individual accountant or accounting firm, agency, association, corporation or partnership, sufficiently independent of the subject of the audit to render objective and unbiased opinions, conclusions and judgements. In general, this definition is satisfied by a certified public accountant, certified or licensed under the law of the place of practice. It may also be satisfied, where the subject of the audit is a public agency, by the official auditor or official agency which generally conducts the agency's audits.

(k) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, accident or other catastrophe which is of such severity and magnitude as to directly affect the capability of the Head Start agency or agencies providing Head Start programs to the damaged community to continue the programs unless the Federal share of the approved costs is increased above 80 percent.

(l) "Responsible HEW official" means the official of the Department of Health, Education, and Welfare having authority to make the grant in question.

(m) "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

Subpart B—Application for Designation (Initial Funding) or Refunding as Head Start Agency

§ 1301.2–1 Who may apply: form and content of application.

Any local public or private nonprofit agency may apply for designation (initial funding) as a Head Start agency, or for refunding of an ongoing program, to the responsible HEW official. The application shall be in writing in such form and in accordance with such instructions as will be furnished by the responsible HEW official. The application shall contain a proposed detailed budget and information required for an "approvable application" in accordance with § 1302.1–2(e) of this Chapter, for "selection among applicants," in accordance with § 1302.2–1, and in accordance with § 1302.2–2, if applicable. In addition, the application shall show that the applicant has the power and authority to carry out a Head Start program and to perform the functions set forth in § 515 of the Act, including the provisions made for meeting the requirements of § 515(b). If the applicant alleges that it is a nonprofit agency, the application shall contain proof of its status consistent with the provisions of GAM Chapter 1–00, Eligibility for Grants. An application for refunding may incorporate by reference unchanged relevant information and material contained in an earlier approved application. In addition, the application shall include a written assurance that the services provided under the program will be in addition to, and not in substitution for, comparable services previously provided without Federal assistance. It shall also contain the provision required by Section 1301.6–19.

§ 1301.2–2 Application: review, disposition, and notification.

The responsible HEW official will review the application. He may (a) approve it in whole or in part and subject to such conditions as may be necessary to carry out the program in accordance with the Act, the regulations, and applicable policies; (b) disapprove it; or (c) defer action on it pending submission of additional information. An application may be denied because of the unavailability of Federal funds under the Act. The decision of the responsible HEW official on an application will be in writing transmitted to the applicant within a reasonable time after receiving the application. A decision of approval involving funding, which decision will be in accordance with applicable provisions of Part 1302, Subpart B, of this Chapter will be transmitted as a "Notice of Grant Awarded."

§ 1301.2–3 Application: amendment.

An application which has been approved by the responsible HEW official shall be carried out in accordance with its terms and conditions. It may be amended only upon the approval in writing of the responsible HEW official. Application for amendment of an approved application shall be submitted in writing in such form and in accordance with such instruction as will be furnished by the responsible HEW official, who will review and act upon it as if it were an original application.

§ 1301.2–4 Notice of grant awarded.

The "Notice of Grant Awarded" shall state the amount of the grant, the applicable budget period covered by the grant, and a general statement of the purpose of the grant. It also will specify the project period for which Federal support may be contemplated beyond the initial budget period, which is always conditioned on satisfactory performance and availability of Federal funds. Separate applications must be made with respect to each budget period subsequent to the initial budget period for which Federal financial assistance for carrying on the program is desired.

§ 1301.2–5 Limitation on financial assistance.

The amount of a grant to a Head Start agency for a budget period shall be set forth in the "Notice of Grant Awarded." Financial assistance under the Act for the budget period will not exceed the amount set forth in the "Notice of Grant Awarded." If an amendment to an approved application is approved which requires additional financial assistance a supplemental "Notice of Grant Awarded" will be issued to the Head Start agency by the responsible HEW official. It will show the amount of the supplemental award, the total of all previous awards for the same budget period, and the new total of award for the budget period. The latter will be the new maximum of financial assistance for the budget period. Also, financial assistance is available only for those obligations which are incurred during the budget period for which it was awarded.

§ 1301.2–6 Project notification and review.

The provisions of GAM Chapter 1–140, Project Notification and Review System, shall apply to all applicants for designation (initial funding) or refunding as Head Start agencies.

Subpart C—45 CFR Part 74 Applied to Head Start Programs

§ 1301.3–1 General.

Part 74 of this Title which establishes uniform requirements for the administration of grants and principles for determining costs shall apply to all grants to Head Start agencies under the Act; except that § 74.15 shall not apply to private nonprofit agencies which, with respect to bonding and insurance, shall be governed by the regulations in this Subpart; and except that § 74.61(h) shall not apply to local public or private nonprofit Head Start agencies, which, with respect to standards for audits, shall be governed by the regulations in this Subpart.

§ 1301.3–2 Insurance and bonding.

(a) Private nonprofit Head Start agencies and their delegate agencies shall have adequate coverage of student accident insurance, liability insurance for accidents on the agencies' premises, and transportation liability insurance.

(b) Student accident insurance shall cover medical costs and death benefits for accidents during program hours and periods immediately preceding and following program hours. It shall also cover official activities, such as field trips away from agency premises and at times other than program hours.

(c) Liability insurance shall cover the staff and the agency for liability for accidents to children, staff, volunteers, parents and visitors on the agency's premises.

(d) There shall be adequate transportation liability insurance covering the agency, owners, and drivers of all vehicles utilized for the provision of trans-

portation services in the Head Start program. When the agency provides the vehicle or vehicles the cost of transportation liability insurance, including collision, is an allowable item of program costs. When the vehicles are publicly owned, or, if they are privately owned only the amount of the costs of transportation liability insurance attributable to use of the vehicles in the Head Start program is an allowable item of program costs.

(e) Private nonprofit Head Start and delegate agencies shall make arrangements for bonding of officials and employees who are authorized to sign or counter-sign checks or disburse cash in amounts considered sufficient to provide reasonable protection against the risks involved.

§ 1301.3–3 Annual audit of Head Start programs.

(a) An annual audit of the Head Start program covering the prior budget period of each Head Start agency and its delegate agencies, if any, shall be made by an independent auditor to determine (1) whether the agency's financial statements fairly present the financial transactions and financial position related to the agency's Head Start program; (2) whether the agency is complying with the terms and conditions of the grant, including the applicable laws, regulations and directives; and, (3) whether appropriate financial and administrative procedures and controls have been installed and are operating effectively. Head Start agencies shall include delegate agency audits as a part of their own audits or shall provide for separate independent audits of their delegate agencies. Audits and reports of audits shall conform with the "Audit Guide, Head Start and Other OCD Programs," or such other Guide as may be prescribed by the Secretary.

(b) Upon a request in writing showing necessity, the responsible HEW official may approve in writing a period to be covered by the annual audit other than the prior budget period.

(c) The annual audit shall commence after the close of the budget or other period approved in writing by the responsible HEW official, in time for the audit to be completed and the audit report submitted to the Head Start agency within four months after the close of the budget or other period. The Head Start agency shall transmit seven (7) copies of the annual audit report, and where appropriate, seven (7) copies of each separate independent delegate agency annual audit report, to the appropriate Regional Audit Director, and two (2) copies of each such report to the responsible HEW official. Unless the responsible HEW official requests in writing additional audits, only the cost of the annual audit is an allowable item of program cost.

§ 1301.3–4 Accounting system certification.

(a) In reviewing an application for designation (initial funding) as a Head Start agency or for refunding, the responsible HEW official will determine the capacity of the applicant to maintain fiscal integrity in the administration of the program, including the capacity to meet the standards in Part 74, Subpart H, of this Title, except § 74.61(h). If further information is needed, he may require the applicant to submit an accounting system certification prepared by an independent auditor which will certify as to whether the applicant, and delegate agencies, if any, have established an adequate accounting system or systems with appropriate internal controls for safeguarding assets, checking the accuracy and reliability of accounting data, promoting operating efficiency and encouraging compliance with prescribed management policies and any additional applicable fiscal responsibilities and accounting requirements.

(b) A Head Start agency shall not delegate any of its Head Start program to a prospective system certification is included as part of the application for delegate agency status, or there is included a written assurance that the certification will be forthcoming prior to the commencement of any program operations. In any event, if the delegation agreement is made, the delgate agency shall not be entitled to operate thereunder and the Head Start agency shall not make any funds available thereunder to the delegate agency prior to the submission and receipt of the affirmative accounting system certification.

Subpart D—Non-Federal Share and Federal Payments

§ 1301.4–1 Matching requirements.

Financial assistance granted under the Act for a Head Start program (the Federal share) shall not exceed 80 percent of the approved costs of the assisted program or activities unless an amount in excess of such percentage is approved in accordance with the regulations in this Part. The non-Federal share, provided by the Head Start agency or third parties, which may consist of cash and in-kind contributions, shall not be required to exceed 20 percent of such approved costs, and shall not be derived, unless otherwise authorized by Federal legislation, in which or in part, from grants under the Act or any other Federal program, or from program income. Any in-kind contributions shall be fairly evaluated and may include, but are not limited to, plant, equipment, commodities, goods, and services directly benefiting and specifically identifiable to the Head Start program or activities.

§ 1301.4–2 Criteria for increase in Federal share.

(a) A Head Start agency carrying on a program in a county having a per capita personal income of less than $3,000 per year, based on 1973 per capita personal income as published by the Department of Commerce in the April, 1975 edition of "Survey of Current Business"; or on any more recent reliable annual per capita personal income data; or in a county which has been involved in a major disaster; or a Head Start agency in a community that has been designated as such Head Start agency by the Secretary, which community is recognized under Federal law as undergoing a major financial crisis; or a Head Start agency to which such a community has been making substantial contribution to the non-Federal share, may apply in writing to the responsible HEW official to have the Federal share increased above 80 percent. The $3,000 per capita personal income dollar limitation shall be regularly revised, by publication of amendments to this rule, to take into account increases in the cost of living. At the time of these revisions, the appropriate per capita personal income figures as published by the Department of Commerce shall be adopted.

(b) The application to have the Federal share increased above 80 percent shall state:

(1) The annual per capita personal income of the county and the basis on which it was determined; or, the belief that the county has been involved in a major disaster; or is undergoing a major financial crisis.

(2) That because of the level of the annual per capita personal income of the county, or the major disaster, or the major financial crisis, the Head Start agency is unable to meet the 20 percent non-Federal share;

(3) The amount of the non-Federal share the Head Start agency is able to provide, and

(4) That a reasonable effort to provide more non-Federal share has been unsuccessful.

(c) An application based upon county annual per capita personal income shall be submitted at the same time as the application for designation (initial funding) as a Head Start agency or refunding and shall be with respect to the same budget period as the application. Approval shall be only for such budget period.

(d) An application based upon the involvement of the county in a major disaster may be submitted within a reasonable time after the major disaster and shall be for the remainder of the current budget period and all or part of the subsequent budget period if any.

(e) An application based upon the county's undergoing a major financial crisis may be submitted within a reasonable period after Federal recognition of the crisis and shall be in effect for the duration of such recognition.

(f) As a condition to an application being considered by the responsible HEW official it shall have been concurred in, in writing, by the Head Start Policy Council, and, where appropriate, the Head Start Policy Committee.

(g) A Head Start agency which provides a portion of its Head Start program in each of two or more counties may apply for financial assistance in excess of 80 percent of the approved costs of that portion of the Head Start program serving a county or counties eligible therefore either by virtue of the level of its annual per capita personal income or its involvement in a major disaster or its undergoing a major financial crisis.

(h) The responsible HEW official, on the basis of the written application and any evidence in support of the application that he may require, will approve financial assistance in excess of 80 percent, and may approve such financial assistance up to 100 percent of the approved cost, if it is determined by such responsible HEW official in accordance with these regulations that the annual per capita personal income of the county is less than $3,000, or that the county has been involved in a major disaster or is undergoing a major financial crisis, and that such increase is required because of the level of annual per capita personal income, or the major disaster, to enable the Head Start agency to carry on the program. Waiver of a non-Federal share for a county that is undergoing a natural disaster or a major financial crisis shall be determined by the responsible HEW official at the end of one year from the original approval of such a waiver. The responsible HEW official will determine at that time what percent of non-Federal share, up to 20 percent, will be restored.

(i) The decision of the responsible HEW official shall be in writing and shall include a statement of the facts and reasons upon which it is based. Copies of the decision shall be furnished the applicant and the Director, Office of Child Development.

(j) A Head Start agency for which a Federal share in excess of 80 percent was approved for budget periods falling within Fiscal Years 1973 or 1974 shall be entitled to at least the same percentage of Federal share for each subsequent budget period with respect to which it submits a written request for an increase in the Federal share. This written request shall indicate the Fiscal Year, 1973 or 1974, used to establish the requested level of Federal share.

§ 1301.4–3 Payments.

Payment of grants awarded under the Act to Head Start agencies will be made in installments, in advance or by way of reimbursement, either by check or letter of credit.

Subpart E—Limitation on Costs of Development and Administration of Head Start Programs

§ 1301.5–1 General.

The responsible HEW official will take appropriate action, including reduction of grant, suspension, termination, or denial of refunding to any Head Start agency in any case where the responsible HEW official determines on the basis of an application or a separate annual report or otherwise, that the costs of developing and administering the Head Start program will exceed or are exceeding the approved percentage of the total costs of the program.

§ 1301.5–2 Definitions.

(a) For purposes of this Subpart, "Development and administrative costs" are all costs included in an approved Head Start budget for a budget period which are not directly related to program functions. These development and administrative costs include, but are not limited to, the costs of overall planning, coordination, and general program direction; related to accounting and auditing; purchasing; the personnel function and payroll; the costs of bonding and insurance; and the allocated costs of occupying, operating, and maintaining the space utilized for these purposes. In determining the cost of utilities attributable to development and administration, 10 percent of the total cost of utilities, or such other percentage as may be shown to reflect the actual costs more accurately, may be used.

(b) For purposes of this Subpart, "total costs" of a Head Start program are the total of the funds disbursed, and the unpaid obligations incurred, taking into account only the total of grants covered by "Notice of Grant Awarded" and the non-Federal share, including the cash value of in-kind contributions, and which are included in an approved budget for a budget period.

(c) For the purposes of this Subpart, the "program functions" of a Head Start program in addition to the services and parent involvement components set forth and described in Part 1304 of this Chapter, include, but are not limited to, such activities as the training and career development of staff whose functions relate directly and solely to carrying out such components, the recruitment and orientation of volunteers, and the transportation of participants. If the Head Start Director, or any assistant Head Start Director, or any other administrative personnel, is employed part time in that position, and is employed partly in a position which relates directly to a program function, the costs shall be allocated proportionately between the two positions.

§ 1301.5–3 Approved percentage of costs of development and administration to total costs.

The approved percentage of the costs of development and administration of a Head Start program to the total costs of the program is the percentage approved by the responsible HEW official. It shall not exceed 15 percent of the total costs unless the 15 percent limitation has been waived in accordance with § 1301.5–4, and it may be less than 15 percent, either as fixed in the approved application by the applicant or as required by the responsible HEW official in accordance with § 1301.5–4.

§ 1301.5–4 Identification of costs of development and administration: excessive cost and request for a waiver.

An application for a grant to operate a Head Start program, either for designation (initial funding) as a Head Start agency or for refunding, shall identify and itemize the costs budgeted for developing and administering the program for the budget period using the forms prescribed by the Secretary. If it is determined that the costs budgeted for development and administration exceed 15 percent of the total costs budgeted for the program, the application will be denied unless it is amended, in order to make it approvable in this respect, to the satisfaction of the responsible HEW official by eliminating the excessive administrative costs. If, however, upon request in writing of the applicant, or on his own mtion, the responsible HEW official determines that it is necessary in order to carry out the purposes of the Act to waive the 15 percent limitation, it may be waived for specific periods of time not to exceed six months. In the case of an application for refunding, if the costs budgeted for development and administration do not exceed 15 percent, they may nevertheless be determined to be excessive, and the applicant required, in order to make the application approvable in this respect, to amend the budget to the satisfaction of the responsible HEW official by eliminating the excessive administrative costs, including by making provision for sharing a common Head Start Director and other administrative personnel with another Head Start agency or agencies. To derive the percentage of the costs of development and administration to the total costs the former is divided by the latter:

$$\frac{\text{Costs of development and administration}}{\text{Total Costs}} = \text{percentage}$$

§ 1301.5–5 Amendment affecting approved percentage.

An application for an amendment to an approved application shall be writing and shall include a statement of the impact that the amendment would have on the perecntage of the costs of development and administration to the total costs of the program. If the admendment would result in the costs of development and administration exceeding 15 percent of the total costs of the program, the request should state why the amendment is necessary for carrying out the purposes of the program and request a waiver of the 15 percent limitation for a period not in excess of six months. The decision of the responsible HEW official on the request for approval of the amendment will be in writing and will contain a statement of the reasons on which it is based. It will be issued within 30 days of receiving the request for approval.

§ 1301.5–6 Separate annual report.

(a) Each Head Start agency shall make a separate annual report of expenditures made for the development and administration of its Head Start program during the previous budget period. The report shall be on such forms and contain such information, from which the percentage of the costs of development and administration to the total costs of the program may be determined, as prescribed by the Secretary. It shall be submitted to the responsible HEW official within 90 days from the end of the budget period.

(b) In any case in which the information in the separate report indicates that the percentage of the costs of development and administration to the total costs exceeded the approval percentage, the responsible HEW official will determine, on the bases of the separate report, the approved application for the current budget period, and any other information found to be necessary, whether the current rate of expenditures for development and administration exceeds the approved percentage for the current budget period. If it is determined that the current rate of expenditures for development and administration is excessive, the Head Start agency shall correct it to the satisfaction of the responsible HEW official, or financial assistance, in the absence of a waiver under the Act and the regulations in this Subpart, shall be discontinued.

§ 1301.5–7 Appeals.

All cases under this Subpart in which the discontinuance of financial assistance, whether during a budget period or as the denial of an application for refunding are subject to the appeals regulations in Part 1303 of this Chapter establishing procedures for appeal.

Subpart F—Personnel and General Administration

§ 1301.6–1 General.

(a) Head Start agencies shall observe standards of organization, management, and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of the Act and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each Head Start agency shall establish or adopt rules to carry out this Section which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy.

(b) Each Head Start agency shall provide for reasonable public access to information, including, but not limited to, public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible.

§ 1301.6–2 Personnel policies and procedures.

Head Start agencies shall adopt personnel policies and procedures for themselves and delegate agencies covering: Staff qualifications, recruitment and selection; classification of positions, salary ranges and increases, and the basis of determination thereof; employee benefits, including leave, holidays, overtime, and fringe benefits; expenses incidental to official duties including travel and per diem; staff training, career development, and performance evaluation; employee-management relations, including employee grievance procedures in the event of termination of employment and other adverse personnel actions; and employee conduct, including outside employment, and acceptance of gifts and gratuities. The policies and procedures shall be in writing and subject to approval by the Head Start Policy Council or Committee in accordance with the provisions of Appendix B, Part 1304 of this Chapter. Such policies and procedures shall be issued to, or made available to, all Head Start and delegate agency employees.

§ 1301.6–3 Comparability of wages.

The basis of determination for salary ranges and increases required by § 1301.6–2 shall be the average rate of compensation paid in the area where the program is carried out to a substantial number of persons providing substantially comparable services, or the average rate of compensation paid to a substantial number of persons providing substantially comparable services in the area of the employee's immediately preceding employment, whichever is higher. Documentation shall be available in Head Start and delegate agency files to establish the method of wage comparability determination. Also, employees may not receive less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

§ 1301.6–4 Allocation of costs.

The costs of personnel, services, or facilities shared with other programs or activities by the Head Start agency or by any delegate agency shall be prorated on an equitable basis between the Head Start program and the other programs or activities. Such equitable division of costs may be made on the basis of personnel time, square footage or other measurement which accurately reflects the share assignable to each sharing program or activity.

§ 1301.6–5 Use of consultants.

The provisions of GAM Chapter 1–45, Use of Consultants, shall apply to all grants awarded to Head Start agencies under the Act.

§ 1301.6–6 Conflict of interest.

The personnel policies shall contain provisions designed to assure that officers and employees shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

§ 1301.6–7 Nepotism.

(a) The personnel policies shall prohibit the hiring of any individual if a member of that individual's immediate family is employed in an administrative capacity or is a member of the governing board. For the purposes of this Section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, sister, or relative by marriage of comparable degree; the term "administrative capacity" means a position having responsibilities relating to the selection, hiring, or supervising of employees.

(b) The responsible HEW official may waive the requirement of paragraph (a) when a Head Start or delegate agency cannot adequately staff the positions without hiring such an individual. Such an agency shall demonstrate to the satisfaction of the responsible HEW official that no other individual within its service area is qualified and available for employment.

§ 1301.6–8 Unlawful activities.

No employee shall, in the performance of duties as an employee of a Head Start or delegate agency, plan, initiate, participate in or otherwise assist in any form of picketing, protest, or other direct action such as unlawful demonstration, rioting, or civil disturbance, which is in violation of law.

§ 1301.6–9 Political activities.

Head Start programs shall not be conducted in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such program with (a) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; (b) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or (c) any voter registration activity.

§ 1301.6–10 Labor standards.

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings, and works which are Federally assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

§ 1301.6–11 Delegation of program operations.

A delegation of program operations by a Head Start agency to a delegate agency shall have prior approval by the responsible HEW official. Such delegation shall be evidenced by a written agreement between the Head Start agency and the delegate agency which shall be available for review from the files of the agency. The agreement shall be in such form and contain such terms and conditions as shall be prescribed by the responsible HEW official.

§ 1301.6–12 Reports and records.

Each Head Start agency shall submit reports in such form and containing such information as prescribed by the Secretary, and shall keep such records and afford such access thereto as determined to be necessary to assure the correctness and verification of such reports.

§ 1301.6–13 Procurements.

Head Start agencies are encouraged to become aware of, solicit, and make use

of small business enterprises and minority business in the acquisition of services and products in accordance with the provision of GAM Chapter 1–46, Use of Small Business and Minority-Owned Businesses by HEW Grantees.

§ 1301.6–14 Property.

(a) All studies, proposals, and data produced or developed with financial assistance under the Act shall become the property of the United States.

(b) The provisions of Part 6, Inventions and Patents (General), of this Title shall apply to all Head Start programs.

§ 1301.6–15 Costs of facilities.

The following Chapters of the GAM shall apply to all Head Start programs.

(a) Chapter 6–10, Charges for Leased Facilities and Equipment;

(b) Chapter 6–60, Charges for Facilities Purchased or Constructed by State and Local Governments; and

(c) Chapter 1–44, Alteration and Renovation of Facilities with DHEW Grant Funds Appropriated for Other Than Construction, except that the costs of alteration or renovation of existing structures shall be approved in advance by the responsible HEW official and shall not exceed five percent of total approved costs of the program for the budget period.

§ 1301.6–16 Appeals.

(a) Head Start agencies may appeal adverse decisions by the responsible HEW official in the following areas in accordance with Part 16, Department Grants Appeals Process, of this Title:

(1) A determination that an expenditure not allowable under the grant has been charged to the grant, or that the Head Start agency has otherwise failed to discharge its obligation for grant funds; and

(2) A disapproval of a Head Start agency's written request for permission to incur an expenditure during the term of the grant.

(b) A Head Start agency which has received notice of intention to deny refunding, or to suspend or terminate the program, may appeal such decision under Part 1303 of this Title.

§ 1301.6–17 Civil Rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d et seq.) and in particular Section 601 of such Act, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Regulations implementing Title VI, which apply to grants and contracts made under this Part, have been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Parts 80 and 81).

§ 1301.6–18 Non-discrimination of handicapped.

Attention is called to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) under which no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance.

§ 1301.6–19 Nondiscrimination.

(a) An application for designation (initial funding) as a Head Start agency or for refunding under the Act shall specifically provide that no person with responsibilities in the operation of the program covered by the application will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation or beliefs.

(b) No person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under the Act.

Subpart G—Technical Assistance and Training, and Research Demonstration and Pilot Projects

§ 1301.7–1 Applicability of 45 CFR Part 74.

Part 74 of this Title which establishes uniform requirements for the administration of grants and principles for the determination of costs shall apply to all grants which may be made under § 521, Technical Assistance and Training, and § 522, Research, Demonstration and Pilot Projects, of the Act.

§ 1301.7–2 Eligibility.

The provision of GAM Chapter 1–00, Eligibility for Grants, shall be applicable to grants made under § 521 and § 522 of the Act.

§ 1301.7–3 Applicability of regulations in this Part.

(a) The following sections of the regulations in this Part which apply to Head Start programs shall apply also to grants under the Act and for technical assistance and for training:

(1) § 1301.2–2 Application: review, disposition, and notification.
(2) § 1301.2–3 Application: amendment.
(3) § 1301.2–4 Notice of grant awarded.
(4) § 1301.2–5 Limitation on financial assistance.
(5) § 1301.4–3 Payments.
(6) § 1301.6–5 Use of consultants.
(7) § 1301.6–8 Unlawful activities.
(8) § 1301.6–11 Delegation of program operations.
(9) § 1301.6–12 Reports and records.
(10) § 1301.6–13 Procurements.
(11) § 1301.6–14 Property.
(12) § 1301.6–17 Civil Rights.
(13) § 1301.6–18 Nondiscrimination of handicapped.

(b) In addition to the sections listed in paragraph (a), the following sections of the regulations in this Part which apply to Head Start programs shall apply also to grants under the Act for research, demonstration, or pilot projects:

(1) § 1301.6–10 Labor standards.
(2) § 1301.6–15 Costs of facilities.

§ 1301.7–4 Cost sharing in research grants.

The provisions of GAM Chapter 2–140, Cost Sharing in Research Grants, shall be applicable to research grants under section 522 of the Act.

§ 1301.7–5 Contracts.

(a) The Secretary is authorized to make contracts with public or private agencies with respect to technical assistance and training under section 521 of the Act, with respect to research, demonstration, or pilot projects under section 522 of the Act. Any contract under these sections of the Act shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(b) Payments under any contract under these sections of the Act may be made in installments and on such conditions as the Secretary may determine.

§ 1301.7–6 Appeals.

When a post-award dispute arises in the administration of a grant under section 521 or section 522 of the Act following certain determinations adverse to a grantee, the grantee may apply for a review of such determinations under the provisions of Part 16 of this Title.

§ 1301.7–7 Protection of human subjects.

Attention is called to the provisions of Part 46 of this Title, The Protection of Human Subjects, which apply to grants and contracts assisted under the Act supporting research, development, and related activities in which human subjects at risk, as defined at 45 CFR 46.3 (b), are involved.

§ 1301.7–8 Nondiscrimination.

(a) Applications for grants under section 521 and section 522, and contracts thereunder, shall specifically provide that no person with responsibilities in the operation of the programs, projects, or activities covered thereby will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the grounds of sex, be excluded from participation in, be denied the benfits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under the Act.

[FR Doc.76–12719 Filed 5–4–76;8:45 am]

[45 CFR Part 1302]

POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEES, AND FOR SELECTION OF REPLACEMENT GRANTEES

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise 45 CFR Chapter XIII, Part 1302. This revision is necessary to conform Part 1302 with the provisions of

Title V of the Economic Opportunity Act of 1964, as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and to incorporate certain minor technical changes.

In addition to several changes in terminology required by Title V, and some of a technical nature, such as changing "OCD" to "HEW" and "selection" to "designation," which run throughout the proposed revision of Part 1302, the definitions of "community action agency" and "community action program" are deleted since they no longer appear in the text, and the definition of "Head Start agency" is added. The term "approvable application" is amended to include an application to refund on ongoing Head Start program.

Section 1302.1–5 is amended to take cognizance of the change in the statute requiring opportunity for a full and fair hearing in cases of denial of refunding and suspension for longer than thirty days.

In addition, § 1302.3–1 is revised to delete the priority as Head Start grantees previously given by the statute to community action agencies and to accord a priority as required by the statute to local or public nonprofit agencies which meet established program and fiscal requirements, and which received Head Start funding on January 4, 1975, the date of approval of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of Part 1302 to the Director, Office of Child Development, Office of Human Development, Department of Health, Education, and Welfare, 400 6th Street, Southwest, Washington, D.C. 20201, on or before June 21, 1976. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202/755–7790).

It is proposed to revise 45 CFR Part 1302 in the manner set forth below.

(Catalogue of Federal Domestic Assistance Programs No. 13.600, Child Development—Head Start)

Dated: April 7, 1976.

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

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

Chapter XIII of 45 CFR Subtitle B, Part 1302 is revised to read as follows:

PART 1302—POLICIES AND PROCEDURES FOR DESIGNATION, INITIAL FUNDING, AND REFUNDING OF HEAD START AGENCIES, AND FOR DESIGNATION OF REPLACEMENT GRANTEES

Subpart A—General

Sec.

1302.1–1 Purpose and scope.
1302.1–2 Definitions.
1302.1–3 Consultation with public officials and consumers.
1302.1–4 Transfer of unexpended balances.
1302.1–5 Notice to show cause and hearing.

Subpart B—Bases for Selection of Head Start Agencies

1302.2–1 Selection among applicants.
1302.2–2 Selection among applicants to replace Head Start Agencies.
1302.2–3 Priority in designation of Head Start Agencies.

Subpart C—Change in Head Start Agency Requiring Amendment or Replacement of Head Start Program

1302.3–1 Head Start Agency to show both legal status and financial viability.
1302.3–2 Head Start Agency shows legal status but not financial viability.
1302.3–3 Suspension or termination of Head Start Agency which shows financial viability but not legal status.
1302.3–4 Suspension or termination of Head Start Agency which shows legal status but not financial viability.
1302.3–5 Denial of refunding of Head Start Agency.
1302.3–6 Control of funds of Head Start Agency scheduled for change.

AUTHORITY: 88 Stat. 2304 (42 U.S.C. 2928h).

Subpart A—General

§ 1302.1–1 Purpose and scope.

The purpose of this Part is to set forth policies and procedures for the designation, initial funding and refunding of Head Start agencies and for the designation of replacement grantees in the event of the voluntary or involuntary termination, or denial or refunding, of Head Start programs. It particularly provides for consideration of the need for designation of a replacement grantee where the continuing eligibility (legal status) and fiscal capability (financial viability) of a grantee to operate a Head Start program is cast in doubt by the cessation of other Federal funding or by the occurrence of some other major change. It is intended that Head Start programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start agencies be fully protected.

§ 1302.1–2 Definitions.

As used in this Part—

(a) The term "Act" means Title V of the Economic Opportunity Act of 1964, as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

(b) The term "Head Start agency" or "grantee" means a local public or private nonprofit agency designated as such under the Act.

(c) The term "Head Start program" means the program assisted under the Act carried on by a Head Start agency or delegate of such agency.

(d) The term "legal status" means the existence of an applicant or grantee as a public agency or organization under the law of the State in which it is located, or existence as a private nonprofit agency or organization as a legal entity recognized under the law of the State in which it is located with the power, authority and capabilities required by section 514 and section 515 of the Act. Existence as a private nonprofit agency or organization may be established under applicable State or Federal law.

(e) The term "approvable application" means an application for a Head Start program, either as an initial application or as an application to amend an approved application covering an on-going Head Start program, or an application to refund an on-going Head Start program, which, in addition to showing that the applicant has legal status and financial viability, provides for comprehensive services for children and families and for effective and responsible administration which are in conformity with the Act and applicable regulations, the Head Start Manual and Head Start policies, with special reference to:

(1) Head Start Program Performance Standards—OCD Notice N–30–364–1 (TN–75.07); (45 CFR 1304)

(2) Program Options for Project Head Start—OCD Notice N–30–334–1 (TN–72.1); (45 CFR 1304, Appendix A)

(3) Employment of nonprofessionals—Head Start Manual, p. 16, para. b; and

(4) The Parents—Instruction I–30, Section B.2.

These issuances may be obtained from the responsible HEW official. (45 CFR 1304, Appendix B)

(f) "Budget period" means the interval of time, usually twelve months, for which funds are awarded.

(g) The term "financial viability" means the capability of an applicant or the continuing capability of a grantee to furnish the non-Federal share of the cost of operating an approvable or approved Head Start program.

(h) The term "OCD" means the Office of Child Development in the Office of Human Development in the Department of Health, Education, and Welfare, and includes regional staff.

(i) The term "responsible HEW official" means the official who is authorized to make the grant in question.

§ 1302.1–3 Consultation with public officials and consumers.

Responsible HEW officials will consult with Governors, or their representatives, appropriate local general purpose government officials, and Head Start Policy Council and other appropriate representatives of communities to be served on the proposed replacement of Head Start grantees.

§ 1302.1–4 Transfer of unexpended balances.

When replacing a grantee, unexpended balances of funds in the possession of such grantee in the fiscal year following the fiscal year for which the funds were appropriated may be transferred to the replacement grantee if the approved application of the replacement grantee provides for the continuation of the Head Start services without significant change to the same enrollees and their parents and undertakes to offer employment to the staff of the terminating grantee. A letter of concurrence in the change should be obtained from the terminating grantee whenever possible.

§ 1302.1–5 Notice to show cause and hearing.

Actions to be taken pursuant to this part to suspend, deny refunding of or terminate grants shall be subject to the provisions of section 519(2) and (3) of the Act and the regulations in Part 1303 of this Chapter, with respect to giving grantees reasonable notice and opportunity to show cause why the action should not be taken (in case of suspension) or opportunity for a full and fair hearing (in case of denial of refunding suspension for longer than thirty days, or termination).

Subpart B—Bases for Designation of Head Start Agencies

§ 1302.2–1 Selection among applicants.

The basis for making a selection among applicants for designation as a Head Start agency shall be the extent to which the application selected reasonably promises the most effective and responsible Head Start program of the approvable applications submitted in terms of (a) the cost-effectiveness of the program proposed to be provided; (b) the qualifications and experience of the applicant in planning, organizing, and providing comprehensive child development services at the community level; (c) the provisions made for direct participation of parents in the planning, conduct and administration of the program; (d) the opportunities provided for employment of target area residents and career development opportunities for paraprofessional and other staff; (e) the suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and (f) the administrative and fiscal capabilities of the applicant to administer all Head Start programs carried out in the community.

§ 1302.2–2 Selection among applicants to replace Head Start agency.

The bases for making a selection among applicants which submit approvable applications to replace a Head Start agency, in addition to the basis in § 1302.2–1 of this Part, shall be:

(a) The extent to which provision is made for a continuation of services to the eligible children who have been participating as enrollees in the program;

(b) The extent to which provision is made for continuation of services to the target area or areas served by the program; and

(c) The extent to which provision is made for continued employment by the applicant of the qualified personnel of the existing program.

§ 1302.2–3 Priority in designation of Head Start agencies.

In the designation of Head Start agencies, applications submitted by any local public or private nonprofit agency which was receiving funds under any Head Start program on January 4, 1975, shall be given priority over other applications after it has been determined that the agency involved meets established program and fiscal requirements.

Subpart C—Change in Head Start Agency Requiring Amendments of Approved Application or Replacement of Head Start Program

§ 1302.3–1 Head Start agency to show both legal status and financial viability.

(a) Upon the occurrence of a change in the legal condition of a grantee or of a substantial diminution of the financial resources of a grantee, or both, for example, such as might result from cessation of other Federal grants, the grantee is required within 30 days after the effective date of the regulations in this Part or the date the grantee has notice or knowledge of the change, whichever is later, to show in writing to the satisfaction of the responsible HEW official that it has and will continue to have legal status and financial viability. Failure to make the showing may result in suspension, termination or denial of refunding.

(b) The responsible HEW official will notify the grantee in writing of the decision as to the grantee's legal status and financial viability within 30 days after receiving the grantee's written submittal.

(c) When it is consistent with proper and efficient administration, the responsible HEW official may extend a grantee's budget period to end on the date when a change in its legal condition or a substantial diminuition of financial resources, or both, is scheduled to take place.

§ 1302.3–2 Head Start agency shows legal status but not financial viability.

(a) If a grantee shows legal status but impaired financial viability the responsible HEW official will entertain a timely request for amendment of the grantee's approved application which restores the grantee's financial viability either by a reduction in the program which produces minimum disruption to services and functions, or by an amendment which incorporates essential functions and services not previously funded as part of the total cost of the Head Start program, and, therefore, requires an increase in the amount of the Head Start grant but which will not result in a Federal share of the total cost of the Head Start program in excess of the percentage authorized by the Act or applicable regulations. In considering such a request which includes an increase in the Head Start grant the responsible HEW official will take into account the funds available to him for obligation and whether the proposed increase is consistent with that distribution of Head Start funds which:

(1) Maximizes the number of children served within his area of responsibility, or in the case of experimental or demonstration programs, the experimental or demonstration benefits to be achieved, and

(2) Maintains approximately the same distribution of Head Start program funds to States as exist during the fiscal year in which his decision is made.

(b) A request for amendment will be considered to be timely if it is included with the written submittal required by § 1302.2–1(a) of this Part, submitted within 30 days after receiving the notice required by § 1302.3–1(b) of this Part, or submitted as a part of a timely application for refunding.

(c) The grantee will be notified in writing by the responsible HEW official within 30 days after submission of the requested amendment of the decision to approve or disapprove the requested amendment. If the requested amendment is disapproved the notice will contain a statement of the reasons for disapproval.

§ 1302.3–3 Suspension, denial of refunding, or termination of Head Start agency which shows financial viability but not legal status.

If a grantee fails to show that it will continue to have legal status after the date of change even though it may show financial viability, the grant shall be suspended or terminated or refunding shall be denied as of the date of change. If it appears reasonable to the responsible HEW official that the definciency in legal status will be corrected within 30 days he may suspend the grant for a period not to exceed 30 days after the date of change or the date of submission of a timely request for amendment. If such correction has not been made within the 30 day period the grant shall be terminated.

§ 1302.3–4 Suspension or termination of Head Start agency which shows legal status but not financial viability.

(a) If the date of change of financial viability precedes or will precede the end of the grantee's budget period the grant will be suspended or terminated on that date, or, if a request for amendment has been submitted under § 1302.3–2 of this Part, upon written notice of disapproval of the requested amendment, whichever is later. If it appears reasonable to the responsible HEW official that the deficiency in financial viability will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or notice of disapproval. If such correction has not been made within the 30 day period the grant will be terminated.

§ 1302.3–5 Denial of refunding of Head Start agency.

(a) If the date of change will coincide with or will come after the end of the budget period and the grantee has notice or knowledge of such change prior to the end of the budget period any action taken to approve the grantee's application for refunding for the following budget period shall be subject to rescission or ratification depending upon the decision of the responsible HEW official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee. If the requested amendment is disapproved the responsible HEW official may extend the budget period in accordance with § 1302.3–1(c) of this Part.

(b) If the date of change coincides with the end of the budget period and the grantee does not have notice or

knowledge of the change prior thereto and the grantee's application for refunding for the following budget period has been approved, such approval shall be subject to rescission or ratification depending upon the decision of the responsible HEW official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee. If the date of change will coincide with or will come after the end of the budget period and if the responsible HEW official has prior notice thereof from the grantee or other official source such as the United States Community Services Administration, action to approve any application for refunding submitted by the grantee shall be deferred pending decision by the responsible HEW official on the grantee's legal status and financial viability and any requested amendment submitted by the grantee.

(d) When the responsible HEW official determines to approve a requested amendment for refunding he will approve it for the full term of the proposed program period, if that period as approved is no longer than a budget period.

§ 1302.3–6 Control of funds of Head Start agency scheduled for change.

Responsible HEW officials will place strict controls on the release of grant funds to grantees which are scheduled for change by cessation of other Federal grants. Specifically, the following controls will be established:

(a) Funds will be released on a monthly basis regardless of the form of grant payment.

(b) Funds released each month will be limited to the amount required to cover actual disbursements during that period for activities authorized under the approved Head Start program.

(c) The amount of funds released must be approved each month by the responsible HEW official based on a careful review of the grantee's expenditure plan.

(d) Grantee expenditure plans may be amended as necessary and must be supported by quarterly financial reports.

[FR Doc.76-12720 Filed 5-4-76;8:45 am]

[45 CFR Part 1305]

ELIGIBILITY REQUIREMENTS AND LIMITATIONS FOR ENROLLMENT IN HEAD START

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations prescribing age and family income eligibility requirements for enrollment and participation of children in Head Start programs, by adding Part 1305 to Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations.

The purpose of these proposed regulations is to implement the requirement in section 518(a) of Title V of the Economic Opportunity Act of 1964, as amended, that the Secretary "* * * by regulation prescribe eligibility for the participation of persons in Headstart programs * * *". Under section 511 of Title V the Headstart program is described as one which focuses on children who have not reached the age of compulsory school attendance primarily from low-income families. Section 518(a) of Title V indicates acceptable criteria of low-income as that which is below the revised Office of Management and Budget official poverty line, and eligibility for public assistance. Also permitted is participation to a resonable extent by children whose families' income is above the poverty line. Thus, the proposed regulations prescribe eligibility in terms of the ages of the participating children (between three years of age and the age of compulsory school attendance) and family income. The limit of 10 percent participation by children of non low-income families is retained. The eligibility criteria relating to handicapped children is included in the proposed regulations.

In addition, the proposed regulations, in accordance with section 518(b) of Title V, would prohibit the imposition of fees or charges by Head Start agencies. They would permit, however, the acceptance of voluntary payments.

Inquiries may be addressed and data, views, and arguments concerning the proposed regulations may be submitted to the Director, Office of Child Development, Department of Health, Education, and Welfare, 400 6th Street SW., Washington, D.C. 20201, on or before June 21, 1976. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. (area code 202/755–7790).

(Catalog of Federal Domestic Assistance Programs No. 13.600 Child Development—Head Start)

Dated: April 7, 1976.

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

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

Subtitle B of 45 CFR Chapter XIII, is amended by adding the following:

PART 1305—ELIGIBILITY REQUIREMENTS FOR ENROLLMENT IN HEAD START

Sec.

1305.1 Purpose and scope.
1305.2 Definitions.
1305.3 Age eligibility of children.
1305.4 Family income eligibility.
1305.5 Handicapped children.
1305.6 Enrollment and re-enrollment.
1305.7 Procedure for filling vacancies.
1305.8 Income guidelines, the family income, and income vertification.
1305.9 Fees policy.

AUTHORITY: 88 Stat. 2304, (42 U.S.C. 2928h).

§ 1305.1 Purpose and scope.

This Part prescribes age and family income eligibility requirements for enrollment and participation of children in Head Start programs.

§ 1305.2 Definitions. For purposes of this Part:

(a) The term "Act" means Title V of the Economic Opportunity Act of 1964, as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

(b) The term "Head Start agency" or "grantee" means a local public or private nonprofit agency designated as such under the Act.

(c) The term "Head Start program" means the program assisted under the Act carried on by a Head Start agency or delegate of such agency.

(d) The terms "income guideline" and "income guidelines" mean the official poverty line as defined by the Office of Management and Budget. The income guidelines show, by family size and levels of before tax annual income, which families are to be counted as "low-income" and "non low-income" for purposes of determining income eligibility for enrollment in Head Start.

(e) The term "low-income family" means a family whose total before tax annual income is equal to, or less than the income guideline for that size family.

(f) The term "non low-income family" means a family whose total before tax annual income is more than the income guideline for that size family.

(g) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other impaired children who, by reason thereof require special education and related services.

(h) The term "enrollment year" means the period of time in which the program has classroom or other program activities for children enrolled in Head Start.

(i) The term "person standing in loco parentis" means a person who has voluntarily assumed parental responsibility for a child, including responsibility for the support of the child. It does not include a step parent who does not have legal responsibility for the support of a child and who has not voluntarily undertaken parental responsibility and responsibility for support.

§ 1305.3 Age eligibility of children.

The children, including handicapped children, who are eligible to enroll and to participate in Head Start programs are primarily those who are between three years of age and the age of compulsory school attendance.

§ 1305.4 Family income eligibility.

(a) At least 90 percent of the children, including handicapped children, who are enrolled in each Head Start program shall be from low-income families. When applications for admission to a Head Start program are received for more children from low-income families than the Head Start program can accommodate, the children from the lowest income families are to be given preference.

(b) Children from families which are Public Assistance recipients shall be eligible as children from low-income families even though, in any individual case, the family income exceeds the income guideline for that size family.

(c) No more than 10 percent of the children, including handicapped children, enrolled in each Head Start program shall be from non low-income families. These children shall be from the designated target area served by, and be children who would benefit from, the Head Start program. Non low-income children may be admitted to participate in accordance with criteria developed locally by each Head Start program.

§ 1305.5 Handicapped children.

(a) The Act, Section 513(d), requires that for fiscal year 1975 not less than 10 percent of the total number of enrollment opportunities in Head Start programs in the Nation and for fiscal 1976 and thereafter no less than 10 percent of the total number of enrollment opportunities in Head Start programs in each State shall be available for handicapped children. Those children shall be from the designated target area served by the Head Start program.

(b) Handicapped children are to be enrolled in Head Start programs if they are otherwise eligible to participate; that is, if they meet age eligibility under § 1305.3 of this Part, and are from families that meet the provisions of § 1305.4 (a), § 1305.4(c), and § 1305.7, of this Part.

(c) No child may be denied admission to a Head Start program solely on the basis of the nature or extent of a handicapping condition unless there is a clear indication that such a program experience might prove detrimental to the child.

§ 1305.6 Enrollment and re-enrollment.

(a) An initial application for enrollment of a child in a Head Start program may be made at any time during the program year. Eligibility for enrollment by the child in the Head Start program must be determined by the agency immediately preceding the enrollment of the child in the Head Start program.

(b) A child who has been found eligible and is participating in a Head Start program shall remain eligible throughout the enrollment year with respect to which such eligibility determination was made.

(c) For a child who has participated or is participating in a Head Start program, reapplication must be made and eligibility redetermined by the agency, prior to the commencement of a new enrollment year. Continued participation depends upon a finding of continued eligibility by the Head Start agency. The enrollment year for Head Start programs which have classroom activities for twelve months, full-day or part-day, commences in September. For Head Start programs which have classroom activities for less then twelve months the enrollment year usually commences in September, but, as for summer programs, may be at other times.

§ 1305.7 Procedure for filling vacancies.

At the time of the commencement of an enrollment year, the enrollment of a Head Start program shall not include more than 10 percent of children, including handicapped children, from non low-income families. If at any tme during an enrollment year because of increases in family incomes, or reduced enrollment of children from low-income families, or otherwise, 10 percent or more of the children participatiing are from non low-income families, no more children from non low-income families shall be admitted during that enrollment year unless the enrollment of such children, because of increased enrollment of children from low-income families or otherwise, drops below 10 percent.

§ 1305.8 Income guidelines, the family income, and income verification.

(a) The income guidelines will be revised at least annually by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made. The income guidelines, and revisions will be published separately as General Notices in the FEDERAL REGISTER and will be transmitted by the Office of Child Development directly to all Head Start agencies.

(b) The income guideline applicable to a family depends upon the size of the family and the family income, which are determined, respectively, as follows:

(1) The family shall consist of all persons living in the same household who are supported by the income of the parent or guardian of the child enrolling or participating in a Head Start program, or the income of a person standing in loco parentis to the child, and who are related to the parent, guardian, or person standing in loco parentis by blood, marriage, or adoption. If there is a guardian or person standing in loco parentis to the child enrolling or participating in a Head Start program, he shall be deemed a member of the family even though not related by blood, marriage or adoption to the guardian or person standing in loco parentis.

(2) Family income shall be defined as regular gross cash income of parents, guardians, or persons standing in loco parentis of the child enrolled in the Head Start program from any source before taxes, including windfall profits (such as insurance lump-sum benefits) and without regard to capital losses, but after deductions for business expenses of the self-employed. Noncash income such as home grown food or food stamp benefits shall be excluded. In computing the income of military personnel, all pay and allowances must be added to arrive at gross income. Tax-free cash income, such as veterans benefits, social security benefits, unemployment compensation, relocation payments, and public assistance benefits shall be added to compute gross income. Family income shall include the total gross cash income of the parents, guardians, or persons standing in loco parentis of the child enrolled in the Head Start program. If more than one parent, guardian or person standing in loco parentis has income which contributes to the support of the household, all such income shall be taken into account in determining the family income. The total annual cash receipts which are taken into account shall be those for the twelve months immediately preceding the month in which application or reapplication for enrollment of a child in a Head Start program is made, or for the calendar year immediately preceding the calendar year in which such application or reapplication is made, whichever more accurately relates to the family's current needs.

(c) The family income shall be verified by a Head Start agency in determining the eligibility of a child to participate in the program. A written declaration of family income signed by a parent, guardian, or person standing in loco parentis, shall not be a sufficient basis for verification of family income. Documentation such as any one of the following: W–2 forms, pay stubs, pay envelopes, written statements from employers, and agency certifications showing current status as recipients of public assistance, shall be required. Income verification records for every participating child shall be maintained by such Head Start agency and shall be made available for inspection by officials of the Department of Health, Education, and Welfare.

(d) With respect to a child who is in foster care, family income shall consist of the amount paid to the foster family on behalf of the child by a public or private agency and the amount, if any, the foster family contributes from its own resources to the support of the child.

§ 1305.9 Fees policy.

(a) A Head Start agency shall not prescribe any fee schedule or otherwise provide for the charging of any fees for participation in the program. However, if a family of a child determined to be eligible for participation by a Head Start program volunteers to pay part or the full cost of the child's participation, the Head Start agency may accept the voluntary payment. Under no circumstances shall a Head Start agency solicit, encourage, or in any other way condition a child's enrollment or participation upon the payment of a fee.

(b) If voluntary payments are made to a Head Start agency the use and reporting of such funds shall be as follows:

(1) Funds derived from voluntary payments shall be retained by the Head Start agency and used to further tasks approved by the Office of Child Development regional office. These funds shall be expended during the program year in which they are received unless it is during the last quarter, in which case they may be carried over to the following program year. However, every effort shall be made to expand last quarter receipts during the last quarter.

(2) Any funds received from voluntary payments shall be reported on the quarterly financial reporting form and shall be subject to the same audit requirements as if received pursuant to Federal grant award.

[FR Doc.76–12722 Filed 5–4–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

FAMILY INCOME GUIDELINES FOR USE IN DETERMINING ELIGIBILITY FOR PARTICIPATION OF CHILDREN IN HEAD START PROGRAMS

Current Revision

1. Purpose. Pursuant to the authority and requirements of Section 525 of the Headstart-Follow Through Act, the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, hereby issues currently revised family income guidelines that shall be used as criteria of eligibility for participation in Head Start programs.

2. Scope. The income guidelines apply to all Head Start programs.

3. Background. The income guidelines are determined by multiplying the official poverty line as defined by the Office of Management and Budget by the percentage change in the Consumer Price Index during the selected interval immediately preceding the time at which the revision is made. The income guidelines show, by family size and levels of annual income, which families are to be counted as "low-income" and "non low-income" for purposes of determining income eligibility for enrollment of a child in a Head Start program. Families with annual incomes at or below the applicable income guideline are "low-income." Those above the applicable income guideline are "non low-income." The income guidelines will be revised and published annually or at appropriate shorter intervals. They are effective immediately under current policies for determining the eligibility of children for enrollment in Head Start programs. In addition, these guidelines will be used in conjunction with eligibility regulations pursuant to Section 518 (a) of the Headstart-Follow Through Act.

1976 family income guidelines

Family size	Nonfarm family	Farm family
For all States except Alaska and Hawaii: [1]		
1	$2,800	$2,400
2	3,700	3,160
3	4,600	3,920
4	5,500	4,680
5	6,400	5,440
6	7,300	6,200
Alaska: [2]		
1	3,520	3,000
2	4,640	3,950
3	5,760	4,900
4	6,880	5,850
5	8,000	6,800
6	9,120	7,750
Hawaii: [3]		
1	3,240	2,780
2	4,270	3,650
3	5,300	4,520
4	6,330	5,390
5	7,360	6,260
6	8,390	7,130

[1] For family units with more than six members, add $900 for each additional member in a nonfarm family and $760 for each additional member in a farm family.
[2] For family units with more than six members, add $1,120 for each additional member in a nonfarm family and $950 for each additional member in a farm family.
[3] For family units with more than six members, add $1,030 for each additional member in a nonfarm family and $870 for each additional member in a farm family.

Dated: April 7, 1976.

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

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-12723 Filed 5-4-76;8:45 am]

federal register

WEDNESDAY, MAY 5, 1976



PART III:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determinations of Captive Self-Sustaining Populations for Certain Species of Wildlife and Definition of Endangered Species Permits for "Enhancement of the Survival of the Species"

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposal To Determine Captive Self-Sustaining Population for: 3 Large Cats, 2 Primates, 7 Pheasants, 3 Waterfowl and 1 Quail; and To Define Endangered Species Permits for "Enhancement of the Survival of the Species"

The U.S. Fish and Wildlife Service (hereinafter, the Service) has received information, including a letter dated August 12, 1975, and other supportive information from Mr. Charles Sivelle, President, American Game Birds Breeders' Cooperative Federation, 41 Westcliff Drive, Dix Hills, L. I., New York 11743, and others. In this correspondence, the Service is requested to determine that "Captive, Self-sustaining Populations" of the following Endangered Species exist within the United States:

1. Brown eared pheasant, *Crossoptilon mantchuricum.*
2. Edward's pheasant, *Lophura edwardsi.*
3. Humes pheasant (Bar-tailed pheasant), *Syrmaticus humiae.*
4. Mikado pheasant, *Syrmaticus mikado.*
5. Palawan peacock pheasant, *Polyplectron emphanum.*
6. Swinhoe pheasant, *Lophura swinhoii.*
7. White-eared pheasant, *Crossoptilon crossoptilon.*
8. Nene goose (Hawaiian goose), *Branta sandvicensis.*
9. Hawaiian duck, *Anas wyvilliana.*
10. Laysan teal (Laysan duck), *Anas laysanensis.*
11. Bobwhite, masked (Masked bobwhite quail), *Collinus virginianus ridgwayi.*

In addition, the Service has information, including a letter dated November 14, 1975, and supportive information from Dr. U. S. Seal of the International Species Inventory System (a Committee of the American Association of Zoological Parks and Aquariums), Minnesota Zoological Gardens, Wentworth Office Center, 33 East Wentworth Avenue, West Saint Paul, Minnesota 55118, and others. This correspondence requests the Service to determine that "Captive, Self-sustaining Populations" of the following Endangered Species exist within the United States:

1. Tiger, *Panthera tigris.*
2. Leopard, *Panthera pardus.*
3. Jaguar, *Panthera onca.*
4. Ring-tailed lemur, *Lemur catta.*
5. Black lemur, *Lemur macaco.*

These submissions are considered to be "petitions" as provided for in Section 4(c)(2) of the Endangered Species Act of 1973 (hereinafter the Act). It has been determined that these submissions present evidence substantial enough to warrant a review of the status of these species in captivity and to propose a determination that Captive, Self-sustaining Populations of these species exist within the United States.

Background. Section 4 of the Act sets forth procedures to be followed in determining whether a species of wildlife is an Endangered Species or a Threatened Species. When that process leads to the determination that a species is an Endangered Species, both the determination and the prohibitions set forth in Section 9 of the Act, with some exceptions, apply to individual animals of that species which are in captivity as well as to those in the wild.

Section 9 of the Act reads, in part, as follows:

> Prohibited Acts. Sec. 9(a) General.—(1) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act it is unlawful for any person subject to the jurisdiction of the United States to—
>
> (A) import any such species into, or export any such species from the United States;
>
> (B) take any such species within the United States or the territorial sea of the United States;
>
> (C) take any such species upon the high seas;
>
> (D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);
>
> (E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;
>
> (F) sell or offer for sale in interstate or foreign commerce any such species; or
>
> (G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to Section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act * * *.

In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

> (1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1975, FEDERAL REGISTER (40 FR 44416) as follows:

> "Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

Those prohibitions do not apply to individual animals of an Endangered Species which were "* * * held in captivity or a controlled environment * * *" on the effective date of the Act (December 28, 1973) unless such animal was held:

> In the course of a commercial activity, or for reasons which are contrary to the purposes of the Act.

In these latter two instances, such captive individuals of an Endangered Species are subject to the prohibitions provided for by the Act. In addition, progeny born after December 28, 1973, either to parents who are subject to those prohibitions or to parents who are themselves exempt, are subject to the prohibitions provided for by the Act.

For example: If a pregnant female tiger in the collection of the Bronx Zoo on December 28, 1973, gave birth on December 29, 1973, the mother would not be covered by the Act but the kittens would.

On September 26, 1975, regulations were published in the FEDERAL REGISTER (40 FR 44415) further specifying these prohibitions and exceptions.

The Service recognizes that the primary purpose of the Act is the conservation and continued existence of wild populations of fauna and of the ecosystems upon which they depend. However, and particularly in the case of Endangered Species, the Service recognizes the directly related need to insure that utilization of individuals of such species which are in captivity be accomplished only by responsible individuals for justifiable purposes and, where possible, to insure that captive populations of those species are not allowed to become extinct. Such captive animals not only provides "gene pools" which, of themselves, are worthy of continued preservation, but the availability of such captive populations also makes possible the re-establishment or rejuvenation of wild populations and man's continued, legitimate use and enjoyment of such species without further jeopardizing the continued existence of the wild populations.

Unless, or until, persons controlling captive individuals of Endangered Species cooperate fully among themselves in: developing and implementing propagative techniques; maintaining studbooks and other necessary breeding records; making fertile individual animals available for breeding; and similar activities, it is likely that the existing populations of Endangered Species in captivity will dwindle and disappear unless continually supplemented by individuals taken from the wild. This latter condition would tend to perpetuate exploitation of the wild populations of these species in the nations in which they are found in order to satisfy this continual market. Since many such nations presently possess few resources capable of effectively assessing or regulating such exploitation, there is no assurance that the existing regulatory mechanisms are sufficiently effective to prevent further jeopardy to the continued survival of such species. Sooner or later this situation would result in man's loss of the resource represented by those species and possibly in the extirpation of the wild populations.

Unless extraordinary precautions are taken, several individuals usually die or are killed during the capture, holding, shipping, conditioning and related processes for each satisfactory specimen which survives for captive utilization. Such incidental mortality, amplified by the disturbance and harassment caused by the capture process, magnifies the stress placed upon wild populations of Endangered Species from which individuals are removed for captive utilization.

Thus, the stringent prohibitions the Act places upon the use of captive individuals of a species, which is Endan-

gered in the wild and for which techniques or other procedures sufficient to develop captive populations capable of sustaining themselves have not been perfected, are fully justified and will continue to be enforced stringently.

However, the Service recognizes that a species may be critically Endangered in the wild but, through the efforts of zoos or other propagators, is being bred in captivity in such numbers that a captive population capable of perpetuating itself has been established. In most cases, the continued existence of that "Captive, Self-sustaining Population" (hereinafter referred to as C.S.S.P.) is dependent upon the ability of those persons who own or otherwise control the animals to expeditiously move breeding stock and progeny between and among themselves. Effective husbandry requires that such movements be correlated to the compatability and breeding seasons of the animals, climatic conditions and other uncontrollable factors.

Existing regulations permit the movement of Endangered wildlife in interstate commerce without permits if no "* * * actual or intended transfer * * * from one person to another person in the pursuit of gain or profit * * *" is involved, thus enabling propagators of such species to readily make gifts or breeding loans among themselves. However, the Service recognizes that successful propagative efforts are expensive and require considerable investment in facilities, food, personnel and related items. In some cases, the continued success of the propagative program—and to a large extent the continued existence of the captive population—depends upon the propagator's ability to recoup his expenses.

The Service further recognizes that such propagative efforts, if successful, will result in surplus animals which must be sold, transferred to other persons or otherwise disposed of.

The Act contains sufficient flexibility to recognize these situations and provides for the recognition of two degrees of threat. It provides for the determination of Endangered Species, i.e.: those threatened with extinction, and for Threatened Species, i.e., those threatened with becoming Endangered. The statute itself limits the uses that can be made of an "Endangered Species." However, with regard to a "Threatened Species" the Act authorizes the Secretary to "* * * issue such regulations as he deems necessary and advisable to provide for the conservation of such species * * *."

In addition, the Act mandates consideration not only of species and subspecies but also of "* * * any other group of fish or wildlife of the same species * * * in common spatial arrangement that interbreed when mature * * *"

One might consider a situation in which a species is critically endangered in the wild but for which a self-perpetuating "population" has been established among zoos, game breeders, aviculturists or others in this country. This captive population is being husbanded wisely and is, in fact, a population separate, apart and not contributing to or drawing on, the wild populations of that same species.

Such a C.S.S.P. fits the criteria of an "* * * other group of fish or wildlife of the same species * * * in common spatial arrangement that interbreed when mature * * *" and may be considered a "species" pursuant to Section 3(11) of the Act. Therefore the status of such a captive, Endangered Species can be reviewed to determine whether it would be better classified as a "Threatened" rather than an "Endangered" species.

In the September 26, 1975, issue of the FEDERAL REGISTER (40 FR 44417), a new Section 17.7 was inserted into Part 17 of Title 50 of the "Code of Federal Regulations" which described the criteria and procedures for the determination of such C.S.S.P.'s. For the convenience of the reader, it is reprinted as follows:

§ 17.7 Captive, Self-sustaining Populations. (a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened and may be listed in § 17.11. Each such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b)(1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors: (1) The approximate number of specimens of that species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24th months immediately prior to the date consideration of the species was undertaken;

(7) The ratio of wild born versus captive born specimens of the species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.33 for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

EXAMPLE.—Although the XY pheasant is endangered in the wild and has been determined to be an endangered species, the Director determines that there exists in the United States a capitve, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed in § 17.11 as follows:

SPECIES			*RANGE*				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
XY Pheasant	*Gigantus smallus*	N/A	Southeast Asia	Entire	E		N/A
Do	Do	In captivity in U.S.	N/A	Do	T(C/P)		N/A

Such determinations would enable the Director to issue regulations that would permit qualified persons (individuals, institutions or other entities as defined by the Act), pursuant to permits issuable under Section 17.33, as amended herein, to transfer ownership of such animals between and among themselves in an efficient, expeditious, manner while providing control over the use of such animals sufficient to insure the continued viabiilty of the C.S.S.P. This control is intended to insure the continued existence of such species in captiivty and that individual animals needed by man for legitimate reasons are available from such captive stocks thereby reducing the demand for such animals from the Endangered wild populations. This will enable man's legitimate needs for such animals to be met without exploiting and thereby further jeopardizing the continued existence of the Endangered wild populations.

Section 17.7 of Part of Title 50 of the Code of Federal Regulations (reprinted elsewhere in this Proposal) sets forth 8 criteria which must be considered in determining whether a C.S.S.P. of an Endangered Species has been attained. These are paraphrased below:

1. the approximate number of living specimens of that species that exist in captivity in the United States;

2. the age and sex ratios of such captive specimens;

3. the number of persons who have successfully propagated the species in captivity;

4. the number of generations of the species that have been successfully produced in captivity;

5. the likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such specimens;

6. the number of requests to take or import wild specimens of the same species during the 24 months immediately prior to the date consideration of the species was undertaken;

7. the ratio of wild born versus captive born specimens of the species in captivity in the United States; and

8. such other factors as the Director deems appropriate.

Data relative to these criteria, as they apply to each of the species under consideration are set forth below. To conserve space, the criteria themselves are not repeated for each species, instead the numbered comments following the name of the species relate to the criteria enumerated above. Thus, comments adjacent to the numeral "4" following the name of the "tiger," would relate to the number of generations of tigers known to have been produced in captivity (criterion number "4" above).

A. Brown eared pheasant, *Crossoptilon mantchuricum*

1. over 452
2. age ratio—the 452 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 80
4. at least 5
5. high
6. none
7. all captive born

B. Edward's pheasant, *Lophura edwardsi*

1. over 305
2. age ratio—the 305 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 36
4. at least 5
5. high
6. none
7. all captive born

C. Bar-tailed pheasant, *Syrmaticus humiae*

1. over 445
2. age ratio—the 445 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 54
4. at least 5
5. high
6. none
7. all captive born

D. Mikado pheasant, *Syrmaticus mikado*

1. over 430
2. age ratio—the 430 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 56
4. at least 5
5. high
6. none
7. all captive born

E. Palawan peacock pheasant, *Polyplectron emphanum*

1. over 175
2. age ratio—the 175 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 17
4. at least 5
5. high
6. none
7. all or nearly all captive born

F. Swinhoe pheasant, *Lophura swinhoii*

1. over 1,628
2. age ratio—the 1,628 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 140
4. at least 5
5. high
6. none
7. all captive born

G. White-eared pheasant, *Crossoptilon crossoptilon*

1. over 48
2. age ratio—the 48 documented birds are breeding age
   sex ratio—approximately 1:1
3. about 2
4. at least 5
5. high
6. none
7. all captive born
8. the apparent low number of this species in captivity and the few individuals who apparently have propagated them give cause for concern as to whether a C.S.S.P., for this bird has been established. However, since it is felt that other birds of this species are being propagated by persons whose data are not represented in the above, this species is being proposed. These factors will be given serious consideration in reviewing data submitted in response to this proposal.

H. Nene goose, *Branta sandvicensis*

1. 102
2. age ratio—the 102 documented birds are breeding age
   sex ratio—approximately 1:1
3. over 9
4. at least 6
5. high
6. none
7. all captive born
8. see comments at the end of the data summary

I. Hawaiian duck, *Anas wyvilliana*

1. 101
2. age ratio—the 101 documented birds are breeding age
   sex ratio—approximately 1:1
3. over 14
4. at least 5
5. high
6. none
7. all captive born
8. see comments at the end of the data summary

J. Laysan teal, *Anas laysanensis*

1. approximately 283
2. age ratio—the 283 documented birds are breeding age
   sex ratio—at least 128 males, 172 females and 42 of unknown sex
3. over 13
4. at least 5
5. high
6. none
7. all captive born
8. available information indicates this is a difficult species to breed consistently in captivity. This factor, as well as the additional comments at the end of the data summary will be given careful consideration.

K. Masked bobwhite quail, *Colinus virginianus ridgwayi*

1. more than 96
2. age ratio—the 96 documented birds are breeding age
   sex ratio—approximately 1:1
3. over 9
4. at least 5
5. high
6. none
7. all captive born
8. see comments at the end of the data summary

L. Tiger, *Panthera tigris*

1. at least 289
2. approximate age breakdowns: 103—1 yr., 36—2 yr., 16—3 yr., 17—4 yr., 54—10 yr., 28—15 yr., 15—20 yr., and 5—greater than 20 yr.
   sex ratio—1:1.3
3. over 25
4. at least 4
5. high
6. none
7. 1:67

M. Leopard, *Panthera pardus*

1. at least 217
2. approximate age breakdown: 52—1 yr., 13—2 yr., 16—4 yr., 20—5 yr., 70—10 yr., 19—15 yr., 8—20 yr., 6—greater than 20 yr.
   sex ratio—1:1.1
3. over 18
4. at least 4
5. high
6. no more than 1
7. 1:13

N. Jaguar, *Panthera onca*

1. at least 141
2. approximate age breakdown: 31—1 yr., 18—2 yr., 9—3 yr., 12—4 yr., 13—5 yr., 33—10 yr., 17—15 yr., 5—20 yr., and 3 greater than 20 yr.
   sex ratio—1:1
3. over 12
4. at least 4
5. high
6. no more than 1
7. 1:43

O. Ring-tailed lemur, *Lemur catta*

1. at least 169
2. age breakdown: 24—1 yr., 13—2 yr., 18—3 yr., 15—4 yr., 16—5 yr., 55—10 yr., 18—15 yr., 3—20 yr., 2—greater than 20 yr.
   sex ratio—1:1.4
3. at least 10
4. at least 3
5. high
6. none
7. approximately 1:10

P. Black lemur, *Lemur macaco*

1. at least 146
2. age breakdown: 21—1 yr., 11—2 yr., 17—3 yr., 18—4 yr., 19—5 yr., 29—10 yr., 21—15 yr., 1—20 yr., and 9—greater than 20 yr.
   sex ratio—1:1.1
3. at least 2
4. at least 5
5. high
6. none
7. approximately 1:4

Additional Comments. The Nene goose, Hawaiian duck, Laysan teal and Masked bobwhite quail all are native to the United States and limited populations of each exist or are being re-established in the wild. A determination that a C.S.S.P. exists for these species could cause conservation and enforcement problems which would not be expected to be caused by such a determination for a non-native species since the less stringently controlled interstate commerce allowed by the C.S.S.P. classification could result in increased poaching of birds from the Endangered wild populations. These factors and any other possible threat that may be posed to the wild populations by such determination will be given careful consideration prior to any final decision.

Permits. Current regulations provide a system of permits for any species listed as C.S.S.P. These regulations are found at Section 17.33 of Title 50 of the Code of Federal Regulations; were adopted on September 26, 1975, (40 FR 44426); and are reproduced below for the convenience of the reader. It should be noted, however, that the Service is hereby proposing several changes in these permit regulations as described in the following section.

§ 17.33 Permits—captive, self-sustaining populations. Upon receipt of a complete application, the Director may issue a permit authorizing delivery, receipt, carriage, transportation or shipment in interstate commerce, in the course of a commercial activity, or sale or offer for sale in interstate commerce, of specimens of a captive, self-sustaining population (see § 71.7). Such species are listed in § 17.11 with the notation "T (C/P)" in the "current status" column. Such permits may authorize all of the above activities relating to interstate commerce during the duration of the permit. These permits will not be issued for importation and exportation.

Example: A breeder of exotic endangered pheasants wants to buy and sell captive-reared endangered birds for the purpose of propagation. The species he has have all been determined to have captive, self-sustaining populations pursuant to § 17.7, and such captive populations have been listed as threatened [T (C/P)]. He now may apply for a permit to authorize the interstate sale under this § 17.33. If his permit is issued, and is valid for 2 years, it would cover all transactions of the type for which it was issued (such as sales in interstate commerce) for that period. A separate permit and application fee is not required for each transaction. Individual transactions are accounted for by the reporting and recordkeeping requirements in the regulations, and those specified on the face of the permit. At the end of the 2-year period, the permit may be renewed by following the renewal procedures in Part 13 (General Permit Procedures), § 13.24 (Renewal).

(a) *Application requirements.* Applications for permits under this section shall be submitted to the Director by the intended recipient of the wildlife. Each such application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, the following information:

(1) The common and scientific names of the species sought to be covered by the permit, and the activity sought to be authorized (such as selling in interstate commerce);

(2) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(3) A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(4) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data on a studbook; and

(5) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period;

(6) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproductive ability of the wildlife;

(2) Whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held or obtained under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

Description of the proposal. It is proposed to determine that Captive, Self-sustaining Populations exist, within the United States, for each of the 7 pheasants, 3 waterfowl, 1 quail, 3 cats and 2 lemurs named above.

Current regulations which provide for the issuance of endangered species permits for scientific purposes, or for the enhancement of propagation or survival of the species are found in section 17.22 of Title 50 of the Code of Federal Regulations. (Published on September 26, 1975—40 FR 44423.) It is additionally hereby proposed to amend that section by defining what is meant by "the enhancement of the survival of the species."

The proposed definition would include, but not necessarily be limited to, the following actions when it can be shown by the applicant that granting of such an exception would not act to the detriment of the continued survival of either the wild or the captive populations of the species in question:

1. Conservation Exhibition—the Service recognizes that, at any given time, some individual, captive, endangered animals are not usable in any breeding, or scientific programs known to exist due to the temperament of the individual animal, existing surpluses of certain age or sex groups, lack of compatible mates, sterility, overcrowding or other reasons. In some cases, such individuals occupy space and/or facilities needed to enhance the propagation program for that species. Incorporating such individuals into live exhibits designed to educate the public to the ecological role and conservation needs of the species in such a way that the future use of such animals for propagation or scientific purposes is not impaired would be construed as an "enhancement of the survival of the species."

2. Euthenasia—occasions arise whereby individual animals of an Endangered species become incurably ill, seriously injured or so senile that their continued maintenance can only be considered less than humane. The resources allocated to the care of such individuals reduces those available to more productive individuals of that species and thereby hinders activities aimed at enhancing the status of the species.

The humane death of such individuals under certain prescribed conditions and under the direction of a qualified veterinarian, thereby relieving that animal from its suffering, reducing the possible spread of disease and releasing those resources for other uses would be construed

to be an "enhancement of the survival of the species."

3. Surplus Pools—occasionally individual animals of a given age or sex become surplus to a propagation program. Although they may be healthy, fertile or potentially fertile individuals, they may not be suitable for a given propagation project because of immaturity, genealogy, incompatibility or other reasons and their maintenance at that facility may hinder the ongoing propagative effort. In these cases, it would enhance the propagation and survival of the species to relocate such individuals, even if they could not immediately be incorporated into a scientific or propagation program. Such individuals would be held in reserve for future incorporation into a scientific or propagation program. The establishment of such "surplus pools," under justifiable circumstances, would be construed to be an "enhancement of the survival of the species."

These proposed regulations also would make several other changes concerning C.S.S.P.'s. Section 17.7(d) would be amended to provide that in addition to the special C.S.S.P. permits provided for in § 17.33, regular Threatened Species permits as provided for in § 17.32 would also be available for activities involving individuals of a C.S.S.P. This would considerably expand the number of permissible activities involving C.S.S.P.'s, since § 17.32 authorizes the issuance of permits for taking, importation, and exportation as well as interstate commerce.

Several amendments to section 17.33, "Permits-captive, self-sustaining populations" also are proposed as follows:

1. Current regulations authorize permits for C.S.S.P. on an unlimited-number-of-transactions basis over a specified period of time. This proposal would continue to authorize such permits, but would make clear that the Service may also issue permits for only a limited series of transactions or for a single transaction. It is felt that some individuals or institutions may need the authority to conduct an unlimited number of interstate transactions over a continuing period of time, for example 2 years, while others may have need or be able to justify only a single interstate transaction, or possibly a limited series of related transactions. This proposal would clarify the Service's position on the different kinds of C.S.S.P. permits available.

2. This proposal would clarify the requirement for the applicant to supply pertinent information concerning his proposed activities for each related group of C.S.S.P., but not necessarily for each species. For example: If C.S.S.P.'s for three "large cats" and 7 pheasants had been determined, and if a zoo wished a permit to cover multiple transactions over a two year period for all ten species, the information required concerning the applicant's expertise, facilities, etc., need be provided only once for the three cats since it would be expected that the facilities, expertise, etc., required to successfully maintain each would be similar. However, it would also be necessary to provide such information as it relates to pheasants since the facilities and expertise necessary to adequately propagate the "large cats" would not necessarily be the same as those needed to adequately propagate pheasants and vice-versa.

3. It is proposed to specify, as part of the issuance criteria, that the Service will consider the opinions or views of scientists and other persons or organizations before issuing a C.S.S.P. permit and that applications for or requests for the renewal of permits to authorize an unlimited number of transactions over the duration of the permit would be published in the FEDERAL REGISTER and comments solicited. Other applications may be published in the FEDERAL REGISTER requesting public review and comment depending on the type authorization requested and the species involved. All applications will continue to be available for public review and comment, even those for which a notice of receipt is not published in the FEDERAL REGISTER.

This procedure is intended to provide the Service a means of assessing the qualifications of persons who wish authorization to carry out unlimited numbers of such transactions and to insure that such persons possess adequate facilities, sufficient experience and expertise and are otherwise competent to responsibly husband the species in question. Since the facilities, expertise and other requirements differ markedly from one species or group of species to another—for example: these requirements expected of a person interested in pheasants would be greatly different than those expected of a person interested in large cats or primates—it is apparent that the qualifications of applicants must be evaluated in terms of the needs or requirements of the species (or group of similar species).

4. The special condition which attach to C.S.S.P. permits are clarified and expanded to include the requirement for identification of individual animals by band, tattoo or other mark when such is deemed necessary. The exact details of a reporting and record keeping system are not finalized. However, this proposal clarifies the requirement that permittees must keep complete and accurate records of all their activities and file such reports as are deemed appropriate. These reports may include the filing of individual reports upon completion of each transaction on forms available from the Service. Current plans call for a multiply form which would be partially completed by the transferor who would retain one copy for his files and forward the other two to the transferee who would complete and sign a specified portion of the transaction form, retain a copy for his file, and forward the third copy to the Service as a report. This system is intended to provide needed data, records and control without increasing the paperwork required of qualified persons beyond that normally necessary to a responsibly maintained animal propagation operation. This procedure will enable: the seller (or conveyor) to meet his requirements for sales receipts or disposal records and the buyer (or receiver) to satisfy his needs for receipts or acquisition records while both simultaneously satisfy Service reporting requirements. It would enable qualified persons to conduct transactions instantaneously on an "as needed" basis while generating little, if any, additional paperwork for either of the parties to the transaction or for the Service.

5. This proposal also clarifies that permits for C.S.S.P.'s would be available for periods of no longer than 2 years, however, such multi-transactional permits would be renewable in accordance with established regulations found at 50 CFR 13.24. That section reads as follows:

§ 13.24 Renewal of permit. Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuring its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

As noted above, such applications for renewals would be published in the FEDERAL REGISTER and comments would be solicited.

Public comments solicited. The Director intends the finally adopted rules to be as accurate and effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules and procedures are hereby solicited. Most of the data pertaining to the numbers of individuals in captivity, sex ratios etc., were obtained from the files of the International Species Inventory System and/or as a result of a survey of the members of the American Game Bird Breeders' Cooperative Federation. It is likely that data from a significant number of these species held in captivity by persons who did not contribute to these data sources are not included. Any such data are particularly solicited and would be especially helpful in making the final determinations.

Submittal of Written Comments. Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than July 6,

1976, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Dated: April 26, 1976.

LYNN A. GRUNWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth following.

§ 17.11 [Amended]

1. In Section 17.11 add the following in alphabetical order:

Under "Mammals":

SPECIES			*RANGE*				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Jaguar	*Panthera onca*	In captivity in in U.S.	N/A	Entire	T(C/P)		N/A
Lemur, Black	*Lemur macaco*	Do	N/A	Do	Do		N/A
Lemur, Ring-tailed	*Lemur catta*	Do	N/A	Do	Do		N/A
Leopard	*Panthera pardus*	Do	N/A	Do	Do		N/A
Tiger	*Panthera tigris*	Do	N/A	Do	Do		N/A

Under "Birds":

SPECIES			*RANGE*				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Duck, Hawaiian (Koloa)	*Anas wyvilliana*	In captivity in U.S.	N/A	Entire	T(C/P)		N/A
Goose, Nene (Hawaiian)	*Branta sandvicensis*	Do	N/A	Do	Do		N/A
Pheasant, brown-eared	*Crossoptilon mantchuricum*	Do	N/A	Do	Do		N/A
Pheasant, Edward's	*Lophura edwardsi*	Do	N/A	Do	Do		N/A
Pheasant, Humes (Bar-tailed)	*Syrmaticus humiae*	Do	N/A	Do	Do		N/A
Pheasant, Mikado	*Syrmaticus mikado*	Do	N/A	Do	Do		N/A
Pheasant, Palawan peacock	*Polyplectron emphanum*	Do	N/A	Do	Do		N/A
Pheasant, Swinhoe	*Lophura swinhoii*	Do	N/A	Do	Do		N/A
Pheasant, White-eared	*Crossoptilon crossoptilon*	Do	N/A	Do	Do		N/A
Quail, Masked Bobwhite	*Colinus virginianus ridgwayi*	Do	N/A	Do	Do		N/A
Teal, Laysan (Laysan duck)	*Anas laysanensis*	Do	N/A	Do	Do		N/A

§ 17.22 [Amended]

2. In section 17.22 the following material will be inserted between the end of the first sentence in the first paragraph and the parenthetical sentence which starts "(See § 17.32 for * * *":

Enhancing the survival of endangered wildlife, when such uses can be shown not to be detrimental to the continued survival of either the wild or captive populations of the species in question and only when individual animals already in captivity are involved, may include:

Conservation Exhibition—the live exhibition, in a manner designed to educate the public to the ecological role and conservation needs of the species, of wildlife which due to surpluses of certain age or sex groups, lack of compatible mates, immaturity or other like reasons, are not then needed in any known scientific or propagation program; provided that such exhibition does not impair the future use of the exhibited animal for scientific or propagative purposes;

Euthanasia—when applied to an animal which is terminally ill, critically injured or senile and when carried out under the order and supervision of a qualified veterinarian; and

Surplus pools—the accumulation and holding for future propagation or scientific purposes of animals which, for various reasons are either not immediately needed or are not suitable for propagation or scientific purposes, and which should be relocated to relieve crowding or other problems which hinder the scientific or propagative program at the location from which the animal would be removed.

§ 17.7 [Amended]

3. In section 17.7(d) insert "§ 17.32 or" between the words "* * * pursuant to" and "§ 17.33 for * * *" so that the amended sentence will read as follows: "Permits shall be available pursuant to § 17.32 or § 17.33 for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section."

§ 17.33 [Amended]

4. Section 17.33 is amended by:

(a) Deleting the last two sentences in the introductory paragraph which read "Such permits may authorize all of the above activities relating to interstate commerce during the duration of the permit. These permits will not be issued for importation and exportation." and inserting in lieu thereof the following: "Such permits may authorize any or all of the above activities relating to interstate commerce for a single transaction, a series of transactions, or activities over a specified period of time. (For permits authorizing taking, importation, or exportation see § 17.32.)"

(b) Inserting the phrase "for each group of similar species" between the word "information" and the colon at the end of the last sentence in paragraph (a) of § 17.33 *Application requirements.*

(c) Inserting the phrase "including whether such authorization is requested for a single transaction, a series of transactions, or an unlimited number of transactions over a specified period of time" between the word "commerce" and the semi-colon at the end of sentence in paragraph (a)(1).

(d) Redesignating existing paragraphs (b) (5) and (6) as (b) (6) and (7) respectively; and adding a new paragraph (b)(5) to read as follows:

(b) * * *

(5) The opinions or views of scientists or other persons or organizations concerning the wildlife or other matters germane to the application which have been received either as a result of publication of the complete application in the FEDERAL REGISTER (such publication requesting public review and comment for a 30-day period is routine for all requests for permits to authorize an unlimited number of transactions over a specified period of time and such others as the Director deems appropriate) or otherwise;

(e) Revising paragraph (c) *Permit conditions* to read as follows:

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) Unless otherwise authorized on the face of the permit, the permittee may not transfer the ownership of any wildlife held or obtained under the permit

except to a holder of a valid permit issued under this section, or under § 17.32, which authorizes the transaction with regard to the species involved.

(2) Permittee must keep complete and accurate records of all activities conducted under the permit and file reports of such activities, including individual transactions, on form provided or approved by the Service in accordance with official instructions.

(3) Permittee may be required, as designated on the face of the permit or by amendment, to band, tattoo, or otherwise make for identification purposes wildlife held under authority of such permit.

(f) Inserting a comma followed by the phrase "but in no case for longer than two years" between the word "permit" and the period at the end of paragraph (d) *Duration of permits.*

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federal register

WEDNESDAY, MAY 5, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

■

ALLOCATION OF HOUSING ASSISTANCE FUNDS

Review of Applications

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 891]

[Docket No. R-76-388]

HOUSING ASSISTANCE; ALLOCATION OF HOUSING ASSISTANCE FUNDS

Review of Applications

Notice is hereby given that the Department ("HUD") proposes to amend Chapter VIII of Title 24 of the Code of Federal Regulations by adding a new Part 891, "Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds."

The purpose of Part 891 is to set forth the regulations which apply to the review and approval of applications for housing assistance and to the allocation of housing assistance funds pursuant to Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301). The provisions of this Part apply to applications for housing assistance under the United States Housing Act of 1937 (42 U.S.C. 1437), Sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z, 1715z-1), Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), and Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended. These provisions do not apply to applications for low income housing modernization which should soon be included in a notice of proposed rulemaking under 24 CFR 868, or operating subsidy assistance (42 U.S.C. 1437g).

Subpart A identifies the housing assistance programs affected by the proposed regulation and defines the terms used. Subpart B describes the policies and procedures governing reviews and determinations with respect to applications for housing assistance to be located in areas with approved housing assistance plans (HAP) and Subpart C describes such policies and procedures for areas without HAPs. Subpart D provides the policies and procedures governing the allocation of housing assistance.

A description of the principal features of these proposed procedures are as follows:

1. The Field Office Director (Director) shall notify the chief executive officer of the unit of general local government (local government), within ten working days after initial screening or evaluation of an application for housing assistance that such an application has been received and is under consideration. The local government shall have thirty calendar days to submit comments to the Director, including an objection to approval on the ground that it is inconsistent with the applicable HAP. In areas without a HAP, the local government may submit any comments or information with respect to an application for housing assistance which are relevant to the Director's determination of need for such assistance.

2. Within thirty calendar days after the close of the comment period or within thirty days after the receipt of comments, whichever is earlier, the Director shall review each application for housing assistance and the comments of the local government to determine whether the application is consistent with the HAP; or in the absence of a HAP, make a determination that there is need for such housing and that there is or will be available in the area public facilities and services adequate to serve the proposed housing.

3. Contract authority for the housing assistance programs shall be allocated to provide a relative number of housing units based, so far as practicable, on the most recent U.S. Census data available relating to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, or other objectively measurable conditions, or other adjustments as may be necessary to assist in carrying out activities designed to meet lower-income housing needs as described in HAPs.

4. Up to 20 percent of the contract authority available during any fiscal year for each of the housing programs may be retained for subsequent allocation to specific areas and communities with special lower-income housing needs or programs as determined by the Secretary.

5. Contract authority allocated to non-metropolitan areas in any fiscal year on a national basis shall not be less than 20 nor more than 25 percent of the contract authority allocated for each of the housing programs.

6. Directors may set aside a portion of the contract authority allocated for use by State Housing Finance and/or Development Agencies (HFDA) and will coordinate the respective efforts of the Directors and HFDA's to assure an equitable distribution of housing assistance.

7. Where contract authority is not likely to be utilized during the fiscal year, reallocation to other areas where it is likely to be utilized may be made.

A thirty day period for public comment will be allowed. All comments received on or before June 4, 1976, will be considered by the Secretary before adoption of a final rule.

Interested persons are invited to participate in the proposed rulemaking by submitting such written statements or commnts as they may desire. Communications should refer to docket number and date and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk:

Accordingly, it is proposed that a new Part 891, Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds, read as follows:

PART 891—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE; ALLOCATION OF HOUSING ASSISTANCE FUNDS

Subpart A—General Provisions

891.101 Applicability and Scope
891.102 Definitions

Subpart B—Applications for Housing Assistance in Areas With Housing Assistance Plans

891.201 General
891.202 Notification of Local Government
891.203 Review and Comment Period
891.204 Local Government Response
891.205 HUD Review of Applications for Housing Assistance
891.206 Notification of HUD Determinations

Subpart C—Applications for Housing Assistance in Areas Without Housing Assistance Plans

891.301 General
891.302 Finding of Need for Housing Assistance
891.303 Notification of Local Government
891.304 Review and Comment Period
891.305 HUD Review of Applications for Housing Assistance

Subpart D—Allocation of Housing Assistance Funds

891.401 General
891.402 Determination of Lower-Income Housing Needs
891.403 Initial Allocation to HUD Offices
891.404 Initial Allocation to Areas and Localities
891.405 Reallocation of Uncommitted Contract Authority

AUTHORITY: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)) unless otherwise noted.

Subpart A—General Provisions

§ 891.101 Applicability and scope.

(a) The policies and procedures contained herein apply to the allocation of housing assistance funds and the review and approval of applications for housing assistance under the United States Housing Act of 1937 (42 U.S.C. 1437), Sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z, 1715z-1), Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), and Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended. These provisions do not apply to applications for low income housing modernization or operating subsidy assistance.

(b) This Part covers the policies and procedures relating to the role and responsibilities of HUD and local governments, under Section 213 of the Act (42 U.S.C. 5301), in reviewing and making determinations with respect to applications for housing assistance made available under the program specified in §891.101(a); determinations of lower income housing needs; allocations of housing assistance funds for metropolitan and non-metropolitan areas; and retention of a reserve of housing assistance funds for special lower income housing needs or programs.

§ 891.102 Definitions.

(a) *Receipt of an Application for Housing Assistance.* For the purpose of this Part, the following definitions establish the time at which an application for housing assistance shall be deemed to have been received by HUD, within the meaning of Section 213 of the Act:

(1) *Section 8 New Construction and Substantial Rehabilitation.* A preliminary proposal, containing the elements listed in § 880.205 of the regulations governing the Section 8 Housing Assistance Payments Program—New Construction (24 CFR Part 880) or the elements listed in § 881.205 of the regulations governing the Section 8 Housing Assistance Payments Program—Substantial Rehabilitation (24 CFR Part 881), after screening or preliminary evaluation by HUD.

(2) *Section 8 Existing Housing.* An application, containing the elements listed in § 882.204 of the regulations governing the Section 8 Housing Assistance Payments Program—Existing Housing (24 CFR Part 882), submitted by a public housing agency (PHA), including a State Housing Finance and Development Agency (HFDA), after screening or preliminary evaluation by HUD.

(3) *Section 8 Housing Finance and Development Agencies New Construction and Substantial Rehabilitation.* A Housing Finance and Development Agency Application for Assignment of Portion of Set-Aside to Specific Project, after screening or preliminary evaluation by HUD, if a specific site is designated. If the site is not designated, the first new construction or substantial rehabilitation proposal submitted by the HFDA pursuant to the regulations governing the Section 8 Housing Assistance Payments Program—State Housing Finance and Development Agencies (24 CFR Part 883), after screening or preliminary evaluation by HUD.

(4) *Section 8 Additional Assistance Program for Projects with Mortgages Insured or Formerly Insured by HUD.*

(i) An application, containing the elements listed in § 886.105 of the regulations governing the Section 8 Housing Assistance Payments Program—Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (24 CFR Part 886, Subpart A), after screening or preliminary evaluation by HUD.

(ii) A preliminary proposal, containing the elements listed in § 886.207 of the regulations governing the Section 8 Housing Assistance Payments Program—Additional Assistance Program for HUD-Owned Projects To Be Disposed of and Rehabilitated with Section 8 Assistance (24 CFR Part 886, Subpart B), after screening or preliminary evaluation by HUD.

(5) *Low-Income Housing (including Indian Housing).* If a specific site is designated, an Application for a Low-Income Housing Program submitted by a PHA or Indian Housing Authority, for the construction or acquisition of housing, after screening or preliminary evaluation by HUD; or if the site is not designated, the Preliminary Site Report submitted by the PHA after screening or preliminary evaluation by HUD.

(6) *Section 235 Mortgage Insurance and Assistance Payments for Homeownership and Project Rehabilitation.* A Request for Preliminary Reservation of Contract Authority, submitted by a builder or seller, after screening or preliminary evaluation by HUD.

(7) *Section 236 Mortgage Insurance and Interest Reduction Payment for Rental Projects.* The first Application for Project Mortgage Insurance, either for Site Appraisal and Market Analysis (SAMA), Conditional Commitment or Firm Commitment, after screening or preliminary evaluation by HUD.

(8) *Section 101 Rent Supplement Payments.* The first Application for Project Mortgage Insurance, either for SAMA, Conditional Commitment or Firm Commitment, after screening or preliminary evaluation by HUD.

(9) *Section 202 Housing for the Elderly or Handicapped.* A preliminary proposal, containing the elements listed in § 885.310 of the regulations governing the Construction Loans for Housing for the Elderly and Handicapped (24 CFR Part 885), after screening or preliminary evaluation by HUD.

(b) *Unit of General Local Government (Local Government).* Any city, county, town, township, parish, village, or other general purpose political subdivision of a State, Guam, the Virgin Islands, and American Samoa or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; the Trust Territory of the Pacific Islands; and Indian Tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos of the United States. Such term also includes a State or local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), a community association or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968.

(c) *Chief Executive Officer (Executive Officer).* The elected official, or the legally designated official, who has the primary responsibility for the conduct of the governmental affairs for a unit of general local government as defined in § 891.102(b). The Executive Officer may delegate the local review functions described in this Part to another public official by notifying the HUD Field Office Director (Director) in writing of such delegation, the effective date of the delegation, and the type of applications to be reviewed by the designee.

(d) *Act.* The Housing and Community Development Act of 1974.

(e) *Housing Assistance Plan (HAP).*

(1) A HAP submitted by a local government participating in the Community Development Block Grant (CDBG) Program as part of the block grant application, in accordance with the requirements of § 570.303(c) of the CDBG regulations (24 CFR 570), and approved by the Director.

(2) A HAP, meeting the requirements of § 570.303(c), submitted by a local government not participating in the CDBG Program and approved by the Director.

(f) *HUD.* The Department of Housing and Urban Development.

(g) *New Communities.* A HUD approved New Community development under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

(h) *Metropolitan Area.* A standard metropolitan statistical area (SMSA) as established by the Office of Management and Budget.

(i) *Secretary.* Secretary of the Department of Housing and Urban Development.

Subpart B—Applications for Housing Assistance in Areas With Housing Assistance Plans

§ 891.201 General.

This subpart describes the policies and procedures governing reviews and determinations pursuant to Sections 213 (a) and (b) of the Act, with respect to applications for housing assistance, under the programs identified in § 891.101(a), to be located in areas for which a HAP is applicable. This subpart does not apply to the following:

(a) Applications for assistance involving twelve or fewer units in a single project or development.

(b) Applications for assistance with respect to housing in New Communities which the Secretary determines are necessary to meet the housing requirements in such developments.

(c) Applications for assistance with respect to housing financed by loans or loans or loan guarantees from a State or local agency thereof (including loans which also have Federal mortgage insurance or co-insurance), unless the local government in which the assistance is to be provided objects in its HAP to the exemption provided in this subparagraph.

§ 891.202 Notification of local government.

(a) The Director shall notify the Executive Officer of the local government having a HAP, not later than ten working days after receipt of an application, that an application for housing assistance to be located in that jurisdiction has been received and is under consideration.

(1) When the application is for housing assistance in an area which is covered by more than one HAP (e.g., a municipality which has a HAP and is located in a county which also has a HAP covering such municipality), the Director shall notify each Executive Officer.

(2) In the case of a PHA having legal authority to enter into contracts in areas beyond the incorporated limits of a local government, and in the case of a PHA

having statewide or regional jurisdiction, the Director shall notify only the Executive Officers where housing assistance is proposed. For Section 8 Existing Housing applications that extend beyond the limits of a single municipality (e.g., a county) and where the location of the proposed housing is unknown, the Executive Officer of the level of local government which coincides with the operating jurisdiction of the PHA shall be notified.

(b) The notification to the Executive Officer shall:

(1). Advise him that the Director has received and is considering an application for housing assistance, identify the housing program (e.g., Section 8, Section 235), the type of housing (e.g., new construction, substantial rehabilitation, or existing housing), the number of units by bedroom size, the number of units by household type (elderly and/or handicapped, family, large family), and the proposed location.

(2) Afford the local government, for a period of thirty calendar days, the opportunity to object to the approval of the application on the ground that is is inconsistent with the applicable HAP.

(3) Invite him to submit any other comments with respect to the application which are relevant to a determination by the Director concerning the proposed housing assistance.

§ 891.203 Review and comment period.

(a) The Executive Officer shall have a thirty-day comment period, beginning on the date of the notification letter described in § 891.202, to submit a written objection to the Director's approval on the ground that the application is inconsistent with its HAP, and the reasons therefor. The Director shall consider the comment period closed when such written comments are received. In no case shall the Director be obligated to consider subsequent objections unless the initial response indicated that additional comments would be provided prior to the expiration of the thirty-day comment period.

(b) The Executive Officer may submit comments to the Director simultaneously with the application for housing assistance. In such cases the Director shall consider that the provisions of § 891.202 have been met.

(c) Any amendment to a HAP shall not be applicable to Section 8 proposals submitted in response to a previously issued Invitation for Preliminary Proposals or Notification of Fund Availability unless the local government makes a determination that, by reason public interest requires that the amendment be applicable to such proposals and that determination is approved by the Director.

§ 891.204 Local government response.

(a) *No objection.* If the local government determines that an application is not inconsistent with the applicable HAP, the Director may be notified within the thirty-day comment period. The local government may submit, writing and within the thirty-day period, comments with respect to the application which are relevant to a determination by the Director concerning the proposed housing assistance.

(b) *Objection.* The local government may submit, within the thirty-day comment period, a written objection to the approval of an application for housing assistance on the ground that the application is inconsistent with the applicable HAP, and the reasons therefor. Objections by the local government may be based on the following:

(1) The number of dwelling units or householde to be assisted, by household type (elderly and/or handicapped, family, large family) is inconsistent with the information in the applicable HAP with respect to the housing assistance needs and the housing assistance goals.

(2) The type of housing proposed (e.g., new construction, substantial rehabilitation, or existing housing) is inconsistent with the information contained in the applicable HAP with respect to the condition of housing in the locality, the housing assistance needs, and the housing assistance goals.

(3) The proposed location of newly constructed or substantially rehabilitated units is inconsistent with the general locations specified in the applicable HAP.

(4) Any other reasons that the local government deems appropriate.

(c) *No response.* The local government may choose not to comment with respect to an application for housing assistance. In such instances, if no response is received within the thirty-day comment period, the Director shall make an independent determination whether the application is inconsistent with the applicable HAP.

§ 891.205 HUD review of applications for housing assistance.

(a) *Review Period.* The Director shall review each application for housing assistance to determine if it is consistent or inconsistent with the applicable HAP for the area in which the proposed housing is to be located. The Director's determination shall be completed within thirty calendar days after the close of the comment period specified in § 891.203(a) or within thirty calendar days after the receipt of an objection, whichever is earlier.

(b) *Review Process.* The Director's finding of consistency or inconsistency shall be based on the information provided in the HAP, the application for housing assistance, and an analysis of the comments of the local government.

(1) *HUD Review When Objection is Received.* The Director shall concur in an objection by the local government, unless he makes an independent determination of consistency, based on substantial evidence that the application is consistent with the applicable HAP.

(2) *No Objection or No response.* The Director may approve the application unless he makes an independent determination that it is inconsistent with the applicable HAP.

(c) *Review Factors.* The Director's determination shall be based on the following factors:

(1) The Director's finding shall be based on whether the assistance to be provided is consistent or inconsistent with the housing assistance needs or three year housing assistance goals contained in the applicable HAP.

(2) The Director's determination with respect to an application for assistance which exceeds the annual housing assistance goals in the HAP shall be based on the degree of variation, as follows:

(i) *Minor Variation.* An application for a number of units in excess of the annual goal will not be considered inconsistent where such excess is no more than ten percent or ten units, whichever is greater.

(ii) *Substantial Variation.* An application for a number of units in excess of the annual goal by more than ten percent or ten units, but less than twenty percent or twenty units, whichever is greater, will not be considered inconsistent unless the local government states an objection to the approval of the application, together with the reasons why such additional units would be detrimental to the community, for the consideration of the Director.

(iii) *Major Variation.* An application for a number of units in excess of the annual goal by more than twenty percent or twenty units, whichever is greater, will be considered inconsistent unless the local government provides a written statement that (A) its annual goal reflected the Federal assistance that it believed would be made available; (B) the excess units to be provided are consistent with the housing needs and the three-year goal in the applicable HAP; and (C) there are or will be available in the area sufficient public facilities or services to serve the excess units.

(3) With respect to an application for Section 8 assistance, pursuant to 24 CFR Part 886, the absence of specific reference to such assistance in the HAP housing assistance goals shall not, by itself, be a basis for the Directors finding of inconsistency.

(4) In the case of an application for Section 235 assistance, the absence of specific reference to such assistance in the HAP housing assistance goals may be the basis for a finding by the Director that the application is inconsistent with the HAP only if an objection to such assistance is received from the local government.

§ 891.206 Notification of HUD determinations.

The Director shall notify the Executive Officer and the applicant, in writing, of the finding made with respect to the application for housing assistance. This notification shall be made within thirty calendar days after the close of the comment period, indicate the reasons for the determination, and, as appropriate, state that the Director will, or will not, continue to process the application for housing assistance.

Subpart C—Applications for Housing Assistance in Areas Without Housing Assistance Plans

§ 891.301 General.

This subpart describes the policies and procedures governing reviews and determinations, pursuant to Section 213 (c) of the Act, with respect to applications for housing asisstance, under the programs identified in § 891.101(a), to be located in areas for which a HAP is not applicable.

§ 891.302 Finding of need for housing assistance.

The Director, upon receiving an application for housing assistance from an area which does not have a HAP, shall make a determination as to whether there is a need for such housing and whether there is or will be available in the area public facilities and services adequate to serve the proposed housing. In making that determination, the Director shall give consideration to the contents of any applicable state or areawide housing plans proposing housing assistance in the area as well as generally available data with respect to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, or other objectively measurable conditions pertaining to lower income housing needs.

§ 891.303 Notification of local government.

(a) If the determinations under § 891.302 are in the affirmative, the Director shall notify the Executive Officer no later than ten working days after receipt of an application, that an application for housing assistance to be located in that jurisdiction has been received and is under consideration.

(1) When the application is for housing assistance within the overlapping jurisdiction of more than one local government (e.g., a municipality which is also within a county), the Director shall notify the Executive Officer of the local government having the smallest geographic area of coverage.

(2) When the application is for housing assistance to be located in several non-overlapping different political jurisdictions (e.g., a scattered site project), the Director shall notify the Executive Officer of each local government, having the smallest geographic area of coverage, where housing assistance is proposed.

(3) In the case of a PHA having legal authority to enter into contracts in areas beyond the incorporated limits of a local government, and in the case of a PHA having statewide or regional jurisdiction, the Director shall notify only the Executive Officers where housing assistance is proposed. For Section 8 Existing Housing applications that extend beyond the limits of a single municipality (e.g., a county) and where the location of the proposed housing is unknown, the Executive Officer of the level of local government which coincides with the operating jurisdiction of the PHA shall be notified.

(b) The notification to the Executive Officer shall: (1) Advise him that the Director has received and is considering an application for housing assistance, identify the housing program (e.g., Section 8, Section 235), the type of housing (e.g., new construction, substantial rehabilitation, or existing housing), the number of units by bedroom size, the number of units by household type (elderly and/or handicapped, family, large family), and the proposed location; and

(2) Invite him, within a period of thirty calendar days, to provide comments with respect to the application which are relevant to a determination by the Director concerning the proposed housing assistance.

§ 891.304 Review and comment period.

(a) The Executive Officer shall have a thirty-day comment period, beginning on the date of the notification letter described in § 891.303, to submit written comments relevant to a determination by the Director concerning the proposed housing assistance. When the Executive Officer submits written comments, the Director shall consider the comment period closed. In no case shall the Director be obligated to consider subsequent comments unless the initial response indicated that additional comments would be provided prior to the expiration of the thirty-day comment period.

(b) The Executive Officer may submit comments to the Director simultaneously with the application for housing assistance. In such cases the Director shall consider that the provisions of § 891.303 have been met.

§ 891.305 HUD review of applications for housing assistance.

(a) The Director shall not approve an application for housing assistance prior to either (1) receipt of comments, or (2) expiration of the thirty-day comment period, whichever occurs earlier.

(b) In determining whether an application will be approved, the Director shall consider the comments provided by the Executive Officer.

(c) HUD shall promptly notify the Executive Officer and applicant of its determination with respect to the approval or disapproval of the application for housing assistance.

Subpart D—Allocation of Housing Assistance Funds

§ 891.401 General.

This Subpart describes the policies and procedures governing the allocation of contract authority, pursuant to Section 213(d) of the Act; for housing assistance under the programs identified in § 891.101(a).

§ 891.402 Determination of lower-income housing needs.

(a) The Secretary, prior to allocating contract authority for the housing assistance programs identified in § 891.101 (a), shall determine the relative need, by number of units and types of housing, for lower-income housing assistance on the basis of HUD field office jurisdictions. The determination of housing needs shall be based, so far as practicable, on the most recent U.S. Census data available relating to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, or other objectively measurable conditions pertaining to lower-income housing needs. The actual statistical data elements used in determining housing needs may be modified on a program-by-program basis to take into consideration the relative needs of the prospective occupants.

(b) On the basis of the housing needs factors specified in § 891.402(a), the Secretary shall develop a separate percentage of housing unit needs for each field office jurisdiction on a program-by-program basis. In arriving at the amount of contract authority corresponding to the housing units, the Secretary shall consider the relative cost of providing the number of units in the areas to which the assistance is to be made available.

§ 891.403 Initial allocation to HUD offices.

(a) The Secretary shall determine the amount of contract authority to be allocated by considering as available any uncommited "carry-over" contract authority from the prior fiscal year as well as any newly authorized contract authority for each program. The Secretary shall consider contract authority to be "committed" for the purpose of this paragraph, when the application, as defined in § 891.102, or the Annual Contributions Contract List, in the case of the Low-Income Housing Program, has been approved by the Director.

(b) A portion of the contract authority, not to exceed 20 percent, available during any fiscal year for the housing programs listed in § 891.101(a), may be retained by the Secretary for subsequent allocations to specific areas and communities for:

(1) Housing needs which were unforeseeable, or for other reasons could not practicably be measured by the formula described in § 891.402, such as natural disaster housing requirements or unanticipated relocation needs.

(2) Activities designed to meet lower income housing needs as described in HAPs submitted by local governments or combinations of such local governmental units, including, but not limited to, activities carried out under areawide housing opportunity plans pursuant to 24 CFR PART 886, Subpart C.

(c) Contract authority, except that set-aside for special housing needs or programs as specified in § 891.403(b), shall be allocated on a program-by-program basis to the Regional Administrator (Administrator) in accordance with § 891.402, so far as practicable. Of this amount at least 20 percent, but not more than 25 percent, shall be allocated nationwide for use in non-metropolitan areas, but an Administrator's allocation will be based upon the proportion of non-metropolitan housing need within his jurisdiction.

(d) The Administrator shall suballocate the contract authority to each Director, so far as practicable, in accordance with § 891.402. In making these suballocations, the Administrator may consider relevant housing needs data based

on the factors specified in § 891.402, the demand for housing assistance as reflected in HAPs, the characteristics of particular housing programs, and the Departmental housing program goals. The Administrator shall sub-allocate all of the contract authority to the Directors within thirty days from receipt of such allocations from the Secretary.

§ 891.404 Initial allocation to areas and localities.

(a) Directors, in determining the amount of contract authority to be allocated for those geographic areas under their jurisdiction, as far as practicable, shall use the following procedures:

(1) Determine the relative housing unit needs on a county-by-county basis, based on the most recent U.S. Census data available, relevant HAPs, and areawide or State housing plans. To the extent that available areawide or State housing plans reflect a coordinated regional housing assessment of local housing needs they should be used in this determination.

(2) Develop a relative housing unit need percentage factor for metropolitan and non-metropolitan areas for each county on a program by program basis. This factor shall be applied to the contract authority allocated for non-metropolitan areas in the case of a county not in a SMSA, and to the amount of contract authority allocated for metropolitan areas in the case of a county within a SMSA (NOTE: In the New England States, SMSA boundaries are drawn along town and city lines instead of counties.).

(3) Establish broad enough allocation areas to support economically feasible housing programs. For example, in a sparsely populated or rural area it may be necessary to group several counties into a single allocation area. In establishing such allocation areas, consideration should be given to state, county, other planning district boundaries, or established commuting patterns, as well as topographical barriers. In addition, consideration should be given to housing plans developed by a HFDA or areawide planning organizations.

(b) Directors may set-aside, for use by a participating HFDA, a portion of the contract authority allocated. Since the use by the HFDA of the contract authority must complement the allocation program of the HUD field office as specified in § 891.404(a), the Director and the HFDA shall coordinate their respective efforts to assure an equitable distribution among allocation areas.

(c) Each locality in a specific allocation area may consider the entire amount allocated in developing their HAPs, with the understanding that this is not a fixed amount to which the Director is committed. Directors may approve the best applications for housing assistance within the allocation area with the understanding that priority for future selections shall be given to housing proposals in localities that did not receive housing assistance.

§ 891.405 Reallocation of uncommitted contract authority.

(a) If the Director determines that the contract authority allocated to an allocation area is not likely to be utilized during the fiscal year, the Director may make a reallocation to another area where such contract authority is likely to be utilized.

(b) If the Administrator determines that the contract authority allocated to a Director or to a particular allocation area is not likely to be utilized during the fiscal year, the Administrator may make a reallocation to another Director or allocation area where such contract authority is likely to be utilized.

(c) Such reallocations must satisfy the non-metropolitan area allocation required by § 891.403(c), the program-by-program allocations of contract authority, and any additional HUD requirements.

(d) Only the Secretary may reallocate contract authority among Administrators.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107).

Issued at Washington, D.C., April 29, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

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federal register

WEDNESDAY, MAY 5, 1976



PART V:

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT MONITORING REPORT FOR FERTILIZERS

January 1976

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS

January 1976

U.S. foreign trade in nitrogenous and phosphatic fertilizers during the month of January 1976 was substantially lower than in the same month a year ago. There was a marked decrease in January in imports of both kinds of fertilizers, as well as a similar decrease in nitrogenous fertilizer exports. Exports of phosphatic fertilizers, on the other hand, showed only a slight decline from the January 1975 level. Contracts for future exports, as reported to the Commerce Department's Office of Export Administration, continued to indicate that U.S. foreign trade in fertilizers will be at a notably lower level during 1976 than during 1975.

Exports of phosphatic fertilizers were 195,000 content tons during January 1976, which is almost the same as the 198,000 content tons reported as exported during January 1975. Contracts for exports of phosphatic fertilizers for February through June 1976 total about 500,000 content tons which, added to actual January exports of nearly 200,000 content tons, would result in total exports during the first half of the year of about 700,000 content tons. Spot transactions during the next few months not included in the export contracts reported at the end of January, could increase total first half 1976 exports above this figure. However, industry sources do not believe that they will reach the 900,000 content ton level of actual exports during the first half of 1975.

Nitrogenous fertilizer exports during January totaled only 120,000 content tons, well below the January 1975 level of 142,000 content tons. Export contract data reported to the Office of Export Administration indicate that total exports during the January–June 1976 period will be about 272,000 content tons. While spot transactions prior to the end of the second quarter may well add to this total, it nevertheless appears that actual exports during the first half of the current year will be sharply off from 1975's approximately 602,000 content ton level.

Production of fertilizer materials as reported by the Bureau of the Census for December 1975 shows that anhydrous ammonia production was 7.4% higher than in December 1974, and that phosphoric acid production also was 7.4% higher than in the preceding December. Data for the last half of 1975 indicate that ammonia production increased 1.4% over the same period in 1974, while production of phosphoric acid was 4.2% less than in the last half of 1974.

The Bureau of the Census reports that inventories of fertilizer materials were substantially higher in December 1975 than in December 1974. Anhydrous ammonia inventories, at 1,948,000 short tons were almost double the 1,138,280 short tons of the previous year, while phosphoric acid inventories at producer locations were 242,000 tons, compared with 180,000 tons a year earlier.

Tables on imports, exports, production, inventories and domestic and export prices follow.

Table 1
U.S. Trade in Nitrogen and Phosphate Fertilizer January, 1974-January, 1976
Export Contracts for February 1976-December 1976
(In Content Tons)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Jan 1975	Jan 1976	Contracts Feb-Mar 1976	Contracts Apr-June 1976	Contracts July-Sept 1976	Contracts Oct-Dec 1976
Imports										
N and P_2O_5 Content Tons[1/]										
Nitrogen Fertilizer	636,818	490,425	709,546	540,412	129,733	89,734	-	-	-	-
Phosphate Fertilizer	191,931	124,476	145,653	103,901	20,362	10,626	-	-	-	-
Exports										
N and P_2O_5 Content Tons										
Nitrogen Fertilizer	514,386	503,684	601,858	595,605	141,920	119,536	114,703	37,278	6,889	6,408
Phosphate Fertilizer [2/]	699,111	985,994	897,180	1,165,992	197,671	194,533	322,478	177,160	148,267	142,901

[1/] N and P_2O_5 content tons includes items not listed in accompanying tables.

[2/] Does not include phosphate rock.

Source: Bureau of Census and Office of Export Administration

Table 2
Fertilizer Exports, January, 1974 - January, 1976
Export Contracts for February, 1976-December, 1976
(Short Tons; Except as Noted)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Jan 1975	Jan 1976	Contracts Feb-Mar 1976	Contracts Apr-June 1976	Contracts July-Sept 1976	Contracts Oct-Dec 1976
Nitrogenous:										
Anhydrous Ammonia[1/]	238,042	159,878	200,936	99,492	71,389	44,435	21,144	-	-	-
Urea	137,981	177,525	272,457	284,653	43,566	43,746	74,825	15,000	-	-
Ammonium Nitrate	9,940	8,160	14,189	31,847	1,935	348	11,733	700	-	-
Ammonium Sulfate	258,188	272,093	288,242	426,800	37,694	64,116	38,706	70,973	-	-
Phosphatic:										
Phosphoric Acid[2/]	74,031	145,169	141,158	171,383	22,476	20,622	104,711	91,296	91,178	87,019
Phosphate Rock (000) (Fla. only)	6,631	6,778	5,613	5,710	1,290	953	1,821	2,574	1,904	1,806
Concentrated Superphosphate	384,815	687,947	416,340	656,893	105,327	117,886	204,556	103,466	86,500	86,500
Ammonium Phosphate	916,206	1,075,559	1,167,979	1,518,388	264,834	260,270	269,524	85,615	38,700	36,000
Mixed Fertilizer	222,536	251,841	245,055	79,257	48,317	19,307	18,452	-	-	-

1/ Includes fertilizer and other grades of anhydrous ammonia.
2/ Includes phosphoric acid, fertilizer grade and N.E.C. (100% APA)
Source: Bureau of Census and Office of Export Administration.

Table 3
Fertilizer Imports, January, 1974-January, 1976
(Short Tons)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Jan 1975	Jan 1976
Nitrogenous:						
Anhydrous Ammonia	273,007	182,359	415,936	391,003	39,784	61,079
Urea	339,894	377,317	434,525	219,677	146,081	31,653
Ammonium Nitrate	193,946	175,267	140,960	103,912	28,482	17,009
Ammonium Sulfate	149,368	108,329	139,903	78,679	39,803	21,130
Ammonium Nitrate Limestone	198,776	134,087	55,858	9,890	1,241	-
Phosphatic:						
Phosphoric Acid	44,953	72,102	65,947	39,329	11,526	91
Concentrated Superphosphate	56,773	28,613	32,669	8,974	5,486	784
Ammonium Phosphate	238,486	105,917	141,100	161,860	-	20,981

Source: Bureau of Census

Table 4
Fertilizer Production, July, 1973 - December, 1975
(1000 Short Tons)

Commodity	July-June 1973/1974	July-June 1974/1975	% Change 75/74	Dec 1974	Dec 1975	% Change 75/74	July-Dec 1974	July-Dec 1975	% Change 75/74
Nitrogenous:									
Anhydrous Ammonia	15,705	15,674	-0.2	1,339	1,440	7.5	7,792	7,899	1.4
Urea	3,543	3,690	4.1	325	312	-4.0	1,846	1,768	-4.4
Ammonium Nitrate	7,329	7,401	1.0	682	604	-11.4	3,793	3,349	-11.7
Ammonium Sulfate 1/	2,805	2,415	-13.9	178	N.A.	N.A.	1,224	N.A.	N.A.
Phosphate:									
Phosphoric Acid 2/	6,950	7,339	5.6	635	682	7.4	3,754	3,597	-4.2
Concentrated Superphosphate 2/	1,705	1,728	1.3	145	168	15.9	843	763	-9.5
Ammonium Phosphate 3/	6,745	6,965	3.3	551	665	20.7	3,397	4,018	18.3

N.A. - Not available
1/ Includes coke oven byproduct
2/ 100% APA
3/ Gross weight
Source: Bureau of Census

Table 5

Producers Inventories of Fertilizer Materials

(In Short Tons)

Commodity	June 1973	June 1974	June 1975	November 1975	December 1974	December 1975
Anhydrous Ammonia	622,318	615,376	1,131,500	1,676,432	1,138,280	1,948,315
Urea	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Ammonium Nitrate	90,811	90,491	214,326	481,816	232,894	489,654
Ammonium Sulfate	101,508	153,496	239,753	387,999	444,691	N.A.
Phosphoric Acid	88,150	133,313	211,579	225,440	180,844	242,031
Concentrated Superphosphate	103,960	95,016	254,029	203,820	11,505	168,699
Ammonium Phosphate	135,048	95,773	263,300	229,039	116,486	254,493

N.A. Not available

Source: Bureau of Census

Table 6
Producers Prices of Fertilizer Materials
($ Per Ton)

Commodity	October 24, 1973	October 21, 1974	October 27, 1975	March 15, 1976 (low)	March 15, 1976 (high)	% Change Oct.73-Mar.76 (low)	% Change Oct.73-Mar.76 (high)
Anhydrous Ammonia	65	160	190	180	190	177	192
Urea	72	175	175	160	175	4'	86
Ammonium Nitrate	62	115	115	91	115	122	143
Phosphoric Acid (52-54%)	78	157	173	173	-	122	-
Phosphate Rock (66-68%)	7	25	31	31	-	343	-
Concentrated Superphosphate	55	140	140	127	140	131	155
Ammonium Phosphate	75	165	135	135	135	80	80

Source: Price column 1 -- Cost of Living Council
Columns 2, 3, and 4 -- Chemical Marketing Reporter.
(low and high quote)

Table 7
Export Prices of Selected Fertilizer Products
January, 1976

Commodity	Low	High	Weighted Average
Phosphate Rock			
Shipments	28	47	37
Remaining Contracts	26	45	35
Ammonia			
Shipments	86	100	93
Remaining Contracts	67	83	72
Urea			
Shipments	74	143	85
Remaining Contracts	80	114	86
Triple Superphosphate			
Shipments	85	151	105
Remaining Contracts	91	231	123
Diammonium Phosphate			
Shipments	115	421	134
Remaining Contracts	114	228	138

Source: Office of Export Administration, U.S. Department of Commerce

Exports and Anticipated Exports
January 1976

Unit of measure and Commodity Area of Destination 1/	Actual July-Jan. 1975 - 1976	Unfilled Contracts Feb-Mar 1976	April-June 1976	July-Sept 1976	Oct-Dec 1976
In Content Tons					
Nitrogen (N)					
Western Hemisphere	357,277	26,285	18,539	1,958	1,958
Western Europe	158,196	35,748	4,157	4,450	4,450
Asia	179,899	52,375	14,583	481	-
Australia and Oceania	1,885	294	-	-	-
Africa	17,885	-	-	-	-
Phosphate (P_2O_5)					
Western Hemisphere	555,986	107,167	78,378	73,625	69,466
Western Europe	389,150	47,386	24,130	18,075	18,075
Communist Areas in Europe	42,188	36,078	30,360	30,360	30,360
Asia	332,120	131,109	44,293	26,207	25,000
Australia and Oceania	4,896	739	-	-	-
Africa	36,183	-	-	-	-
In Short Tons					
Ammonia 2/					
Western Hemisphere	98,361	-	-	-	-
Western Europe	44,100	21,144	-	-	-
Asia	744	-	-	-	-
Australia and Oceania	9	-	-	-	-
Africa	713	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	59.7%				
Urea					
Western Hemisphere	152,378	22,434	-	-	-
Western Europe	5,545	-	-	-	-
Asia	166,855	52,391	15,000	-	-
Africa	3,621	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	97.0%				
Ammonium Nitrate					
Western Hemisphere	31,754	11,693	700	-	-
Asia	151	40	-	-	-
Australia and Oceania	38	-	-	-	-
Africa	252	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	96.8%				

Exports and Anticipated Exports (Cont.)

Unit of measure and Commodity Area of Destination	Actual July-Jan. 1975-1976	Unfilled Contracts Feb-Mar 1976	April-June 1976	July-Sept 1976	Oct-Dec 1976
Ammonium Sulfate					
Western Hemisphere	455,748	11,148	70,973	-	-
Western Europe	4,045	27,558	-	-	-
Asia	28,881	-	-	-	-
Africa	2,242	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	94.7%				
Phosphoric Acid 3/					
Western Hemisphere	139,717	79,711	66,296	66,178	62,019
Western Europe	12,736	-	-	-	-
Asia	38,877	25,000	25,000	25,000	25,000
Australia and Oceania	282	-	-	-	-
Africa	391	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	84.5%				
Phosphate Rock (000)					
Western Hemisphere	2,291	843	1,121	979	883
Western Europe	2,073	253	496	486	484
Communist Areas in in Europe	507	43	110	110	110
Asia	1,792	682	847	329	329
% Exported to Developing Countries July 1975 - Jan. 1976	35.8%				
Triple Superphosphate					
Western Hemisphere	394,972	9,984	7,704	5,500	5,500
Western Europe	172,528	39,758	29,762	15,000	15,000
Communist Areas in Europe	91,712	78,430	66,000	66,000	66,000
Asia	115,567	76,384	-	-	-
Africa	-	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	72.1%				
Diammonium Phosphate and Other Ammonium Phosphate:					
Western Hemisphare	495,329	48,488	19,101	11,000	11,000
Western Europe	663,218	60,608	23,353	25,000	25,000
Asia	533,489	158,775	43,161	2,700	-
Australia and Oceania	10,202	1,653	-	-	-
Africa	76,420	-	-	-	-
% Exported to Developing Countries July 1975- Jan. 1976	56.0%				

Exports and Anticipated Exports (Cont.)

Unit of measure and Commodity Area of Destination	Actual July-Jan. 1975-1976	Unfilled Contracts Feb-Mar 1976	April-June 1976	July-Sept 1976	Oct-Dec 1975
Mixed Fertilizer					
Western Hemisphere	76,086	6,870	-	-	-
Western Europe	3,426	11,582	-	-	-
Asia	9,312	-	-	-	-
Australia and Oceania	314	-	-	-	-
Africa	9,426	-	-	-	-
% Exported to Developing Countries July 1975 - Jan. 1976	57.3%				

1/ The data in this table with respect to "Unfilled Contracts" is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports of a stated commodity to a particular country. Therefore, the publication of the data by country of destination could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by the area of destination.

2/ Includes fertilizer and other grades of anhydrous ammonia.

3/ Includes fertilizer and other grades of phosphoric acid (100% APA)

Sources: Bureau of the Census, U.S.
Actual Exports: Department of Commerce.

Unfilled Contracts: Office of Export Administration, U.S. Department of Commerce.

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

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