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federal register

THURSDAY, MAY 6, 1976

highlights

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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
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	CSC			CSC
	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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PROCLAMATION 4437

Mother's Day, 1976

By the President of the United States of America

A Proclamation

By responding to new challenges, and assuming new roles, America's women are contributing much to the enrichment of American society.

But for all that women do, there is no undertaking more challenging, no responsibility more awesome, than that of being a mother. Motherhood is more than a life role, it is a job that is continuously demanding and rewarding. A mother's guidance is most significant in the growth of her children into responsible, self-reliant, understanding and productive human beings.

For all of their immeasurable and unselfish sacrifices in developing the character of our youth, that which is synonymous with love, creation, compassion, honor and integrity we are grateful for their countless contributions to their families, to their communities, and to the Nation. Each year we especially and significantly honor the role of motherhood on Mother's Day, the second Sunday in May as designated by the Congress (38 Stat. 770, 36 U.S.C. 141, 142).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that Sunday, May 9, 1976, be observed as Mother's Day. I call upon government officials to display the flag of the United States on all government buildings, and I ask all citizens to display the flag at their homes and other suitable places on that day, and to remember our mothers in some very special way.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundreth.

Gerald R. Ford

[FR Doc.76-13443 Filed 5-5-76;11:08 am]

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.

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PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

Personnel Monitoring of Radiographers

On October 11, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 36601) a proposed amendment of 10 CFR Part 34 of its regulations. The proposed amendment would have allowed radiographers and their assistants to use either film badges or thermoluminescence dosimeters (TLD's) to record exposures. Existing regulations permitted only the use of film badges. The amendment was thought desirable because the Commission staff believed TLD's to be as effective as film badges and superior to film badges in certain applications.

The amendment also would have required that direct-reading pocket dosimeters be used instead of pocket dosimeters or pocket chambers that require a separate device for reading. It was believed that this change would provide greater safety for radiographers by making it easier for them to check at any time the radiation doses they had received.

On October 11, 1974, the Energy Reorganization Act of 1974[1] was enacted into law. This Act abolished the Atomic Energy Commission and, by section 201 established the Nuclear Regulatory Commission (NRC) and transferred to that Commission all of the licensing and related regulatory functions of the Atomic Energy Commission. In addition, section 301 of the Energy Reorganization Act provided that any proceedings pending before the AEC at the time of its abolition shall, to the extent that such proceedings relate to functions transferred by the Act, be continued.

All interested persons were invited to submit written comments on the proposed amendment by December 10, 1974. Six public comments on the proposed amendment were received. Four endorsed the amendment, although one of these suggested additional requirements. One comment stated that TLD's should be evaluated more fully before allowing their use, and one comment was opposed to permitting the use of TLD's. The specific comments made are discussed below.

It was suggested that the amendment should not be adopted until a study to compare the accuracy of film and TLD's, being funded by the Bureau of Radiological Health, is completed. The study is now complete. It showed that TLD's can perform comparably with film.[2] A similar study at the National Sanitation Foundation, Ann Arbor, Michigan, had similar results.[3]

It was also suggested that the regulation should specify the types of TLD chips that are considered acceptable. The Commission does not consider such detail desirable for this regulation.

It was further suggested that the competency of each company offering a dosimeter service should be tested. The NRC staff has such a requirement under consideration.

One comment stated that the notice of proposed rule making was in error in stating that TLD's are more sensitive to low doses than film. The two studies mentioned above did seem to indicate that film is more accurate and more sensitive at low doses. Nevertheless, the Commission considers the performance of TLD's at low doses to be acceptable.

The same commenter also noted that TLD's have other disadvantages in comparison to film. Upon reading of a TLD the signal is obliterated so that reader malfunction can cause loss of data. TLD's are inferior in determining the energy of the radiation. TLD's give no information as to the direction of the exposure. TLD's do not provide a "picture" as does film; for example, TLD's do not give an image which indicates if an exposure was received from a single well-defined source, several such sources, or various diffuse sources. While these points are valid, film also has disadvantages. Accidents or errors in processing the film can cause loss of the data. High humidity causes fogging and loss of data. Ripped packages or water soaking cause loss of data. On balance, it does not appear that one system is sufficiently superior to the other to justify restriction by regulation the use of only one; the Commission believes both types of personnel dosimeters are acceptable. Under the provisions of § 20.202, 10 CFR Part 20, all licensees other than radiographers are permitted to use TLD's to record exposures.

According to one comment, audible pocket alarm systems and digital readout dosimeters should be required. The Commission does not consider such systems to be essential and does not intend to require their use at this time. (Electronic digital readout dosimeters are direct reading and may be used to meet the requirements of § 34.33 in place of the more common direct-reading pocket ionization chambers.) The Commission does intend to investigate the desirability of requiring personal audible alarm systems. Persons wishing to comment on the desirability of such a requirement should write to the Occupational Health Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by August 1, 1976.

It was suggested that the initial and subsequent calibrations of self-reading dosimeters be required. This is already recommended in the staff's Regulatory Guide 8.4, "Direct-reading and Indirect-reading Pocket Dosimeters."

An upper limit on the range of self-reading dosimeters was suggested so that a dosimeter with too coarse a scale would not be used. The Commission does not consider this to be necessary. Experience has shown that licensees have used good judgment in this regard.

Another comment suggested that if an individual's dosimeter were discharged beyond its range, that individual should be prohibited from further radiation work during that quarter until the film badge could be processed. This problem is already covered in the Commission's regulations. If a licensee believes an individual may be overexposed, it is already the licensee's responsibility under § 20.-101 to prevent further exposure during that quarter.

After careful consideration of the comments received, and other factors involved, the Commission has adopted the amendment set forth below. The only difference from the amendment published for comment is the addition of a requirement that licensees maintain certain reports and records related to the dosimeters until the Commission authorizes their disposal. The proposed rule did not specifically state the conditions under which a licensee could dispose of such records or reports.

In accordance with the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 34 is published as a document subject to codification.

Section 34.33 is revised to read as follows:

§ 34.33 Personnel monitoring.

(a) The licensee shall not permit any individual to act as a radiographer or as

[1] Public Law 93-438 (88 Stat. 1233).

[2] Available from Caleb Kincaid, Bureau of Radiological Health, 1901 Chapman Ave., Rockville, Md. 20852. Copy available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

[3] Available from Gary Sherlaw, National Sanitation Foundation, Ann Arbor, Michigan 48105. Copy available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct-reading pocket dosimeter and either a film badge or a thermoluminescence dosimeter. Pocket dosimeters shall have a range from zero to at least 200 milliroentgens and shall be recharged daily or at the start of each shift. Each film badge and thermoluminescence dosimeter shall be assigned to and worn by only one individual.

(b) Pocket dosimeters shall be read and exposures recorded daily. An individual's film badge or thermoluminescence dosimeter shall be immediately processed if his pocket dosimeter is discharged beyond its range. Reports received from the badge or dosimeter processor and records of the pocket dosimeter readings shall be maintained for inspection by the Commission until it authorizes their disposal.

Effective date: This amendment becomes effective on August 4, 1976.

(Sec. 161, Pub. Law. 83-703, 68 Stat. 948; Sec. 201, Pub. Law 93-498, 88 Stat. 1242 (42 U.S.C. 2201, 5841))

Dated at Washington, D.C. this 30th day of April 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-13136 Filed 5-5-76;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Emergency Amendment Adopting Special Rule No. 7 for Subpart C of Part 211 and Corrective Amendments to Parts 211 and 212

On March 29, 1976, the Federal Energy Administration adopted amendments to Title 10, Part 211, of the Code of Federal Regulations with respect to the domestic crude oil entitlements program set forth at 10 CFR § 211.67 (41 FR 13899; April 1, 1976). Included among the amendments adopted thereby were modifications to § 211.67(d)(2), that provides for deduction from a refiner's runs of the volume of export sales under § 212.53. These particular amendments clarified that the term "refined petroleum product" has always included aviation fuels, and added export sales of residual fuel oil (which, as defined in § 211.51, includes marine bunker fuels) as a deduction from a refiner's crude runs. A reference was also added to clarify that, for purposes of the deduction, export sales are those sales not subject to FEA price controls pursuant to § 212.53.

Generally, the purpose of the export sales deduction is to ensure that cost equalization benefits under the entitlements program are retained within the domestic market and are not granted to a refiner for sales of products made into the world market at uncontrolled prices.

Since the issuance of the rule adopting these changes, FEA has received numerous inquiries concerning the applicability of the export sales deduction to bunker fuels for marine use. A substantial volume of bunker fuel is sold by domestic refiners for consumption by foreign and U.S. flag carriers for use either on coastal or international voyages. Since it is not clear exactly what types of transactions in bunker fuels constitute export sales under § 212.53, FEA has determined that effectiveness of the export sales deduction as to Bunkers C and Navy Special fuel oils and No. 4 diesel for marine use should be delayed for a period of two months until June 1, 1976 to provide FEA an opportunity to issue a ruling to clarify these issues and to evaluate further the underlying policy considerations in this area.

Accordingly, Special Rule No. 7 adopted hereby exempts from the requirements of § 211.67(d)(2) export sales in April and May 1976 of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use. Based on the advice received pursuant to the written comment and public hearing procedures provided for hereby and its own further analysis, FEA will determine at the conclusion of this rulemaking proceeding whether it would be appropriate to propose any change in the treatment of marine bunker fuels under § 211.67(d)(2).

Corrective amendments to Parts 211 and 212 have also been adopted on an emergency basis to specify that entitlement costs and feductions in entitlement sales revenues relating to adjustments for production of residual fuel oil for sale in or into the East Coast market under § 211.64(d)(4) shall be applied only to prices for residual fuel oil sold in or into that market. Thus, any pricing adjustments attributable to § 211.67(d)(4) shall be confined to a refiner's sales of residual fuel oil in the East Coast.

The Special Rules is effective immediately because any delay in its effective date would subject refiners to the export sale deduction requirements as to marine bunker fuels, beginning with sales in April 1976, without their having been advised by FEA as to precisely which transactions constitute export sales under the regulations. The pricing amendments adopted hereby are merely corrective in nature and are effective immediately.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) (the "FEAA") provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of § 7(i)(1)(B) of the FEAA would thus cause serious harm and injury to the public welfare. Accordingly, these requirements must be waived and this Special Rule and the corrective amendments are made effective immediately, prior to opportunity to comment thereon.

The review provisions of § 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of these emergency amendments concurrently with their issuance to the Administrator of the Environmental Protection Agency for his review.

Because the Special Rule and the corrective amendments are being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to their promulgation. A public hearing on the Special Rule and the corrective amendments, however, will be held beginning at 9:30 a.m. on May 18, 1976, in Room 3000A, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., May 10, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through May 14, 1976. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., May 12, 1976, and must submit 100 copies of his or her statement to the Office of Regulations Management, FEA, Room 3309, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. before 4:30 p.m., e.s.t., on May 14, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement.

The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., May 14, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the Special Rule and the corrective amendments to Box GS, Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Special Rule No. 7". Fifteen copies should be submitted. All comments received by May 14, 1976, and all other relevant information will be considered by FEA in the evaluation of the amendments adopted hereby.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

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

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., April 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. The Appendix to Subpart C of Part 211 is amended by the addition of a Special Rule No. 7 to read as follows:

SPECIAL RULE NO. 7

1. *Scope.* This Special Rule provides, for the months April and May 1976, an exemption of the volumes of a refiner's export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use from the export sale deduction requirement of § 211.67(d)(2).

2. *Export sale deduction exemption.* Notwithstanding the provisions of § 211.67(d)(2), the volume of a refiner's crude oil runs to stills for the months April and May 1976, shall not be reduced by that refiner's volume of export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use.

3. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

2. Section 211.67 is amended in clauses (i)(C) and (ii)(C) of subparagraph (1) of paragraph (m) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(m) *Adjustments to Crude Oil and Product Costs.*

(1) *Refiners.* (i) *Entitlements purchased.*

* * * * *

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

(ii) *Entitlements sold.*

* * * * *

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

* * * * *

3. Section 212.83 is amended in paragraph (h) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

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

* * * * *

[FR Doc.76-13121 Filed 5-3-76;9:19 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 76-WE-4-AD; Amdt. 39-2597]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 401 and 402 Series Airplanes and Model 414 Airplanes Modified in Accordance with STC SA2424WE or STC SA117NW

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on April 9, 1976, and made effective immediately as to all known United States operators of Cessna 401 and 402 series airplanes and model 414 airplanes modified in accordance with STC SA2424WE or STC SA117NW. The directive requires visual inspection for cracks of the forward and aft tangs of all three engine attachment points on the engine support truss within 5 hours' time in service and thereafter at intervals not to exceed 10 hours' time in service. In addition it requires that, within 5 hours' time in service, steel shims be inserted to reduce the gap between the forward and aft tangs of the engine attachment points to no greater than 0.005 inch.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Cessna 401 and 402 series airplanes and 414 airplanes modified in accordance with STC SA2424WE or STC

SA117NW by individual telegrams dated April 9, 1976. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

"CESSNA AVIATION. Applies to Cessna Models 401 and 402 Series Airplanes and Model 414 Airplanes Certificated in all Categories, Which Have Been Modified in Accordance with Either STC SA2424WE or SA117NW, Incorporating Allison Turboprop Engines

Compliance required as indicated.

To prevent and detect possible failures of the engine attachment tangs, accomplish the following:

(A) Within 5 hours' time in service after receipt of the telegram and thereafter at intervals not to exceed 10 hours' time in service from the last inspection, visually inspect, with a glass of at least 8-power, the forward and aft tangs of all three engine attachment points on the engine support truss for cracks.

(B) Within 5 hours' time in service after receipt of this telegram, unless already accomplished, loosen the engine attachment bolts, use steel shims to reduce the gap between the forward and aft tangs to no greater than 0.005 inches, and retorque the bolts to 160–190 inch pounds.

(C) If cracks are detected as a result of the inspection conducted in accordance with (A) above the engine mount P/N 5002 must be replaced with an uncracked engine mount of the same part number or an engine mount approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(D) If an engine mount of the same part number P/N 5002 is installed the inspection and shimming procedure specified in (A) and (B) above are applicable.

(E) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize flight to a base to perform the initial inspection required by (A) above, and the maintenance required by (B) above."

This amendment is effective May 10, 1976, for all persons except those to whom it was made effective by telegram dated April 9, 1976, which contained this amendment.

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

Issued in Los Angeles, California on April 22, 1976.

LYNN S. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-12862 Filed 5-5-76;8:45 am]

[Airworthiness Docket No. 75-WE-42-AD; Amdt. 39-2596]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

Amendment 39-2256 (40 F.R. 28604), AD 74-14-07, effective July 14, 1975, as amended by Amendment 39-2299 (40 F.R. 32316) and further amended by Amendment 39-2360 (40 F.R. 41519), requires accomplishment of visual and dye-penetrant inspections, and repairs, as necessary, of the forward ring on the center engine S-duct assembly aft of the forward articulating joint on Lockheed-California Company L-1011-385 series airplanes, certificated in all categories, which incorporate either the Part I or Part II configuration center engine S-ducts. Since issuing Amendments 39-2256, 39-2299 and 39-2360, the air carriers have reported finding no discrepancies on any of the numerous Part II configuration S-ducts inspections conducted to date. Additionally, the manufacturer has issued Service Bulletin 093-54-019 to provide a modification for the Part I configuration center engine S-duct which obviates the need to require the inspections, and a Revision 2 to Alert Service Bulletin 093-54-A019 to delete, in its entirety, the Part II configuration inspection requirements. Therefore, AD 74-14-07 is being superseded by a new AD that continues the initial and repetitive inspection and repair requirements for Part I configuration airplanes, deletes altogether the inspection requirements for Part II configuration airplanes, and defines the modifications necessary to terminate the inspection requirements for Part I configuration airplanes.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385 Series Airplanes, Certificated in all Categories, that have a Part I Configuration Center Engine S-duct Installed (See NOTE).

Compliance required as indicated.

To prevent possible separation of the center engine S-duct assembly due to failure of the articulating joints, accomplish the following:

(a) For airplanes with 4,500 or more hours' time in service on July 14, 1975, comply with paragraphs (c) and (d) within the next 250 hours' time in service after July 14, 1975 unless already accomplished.

(b) For airplanes with less than 4,500 hours' time in service on July 14, 1975, comply with paragraphs (c) and (d) within the next 250 hours' time in service after July 14, 1975 or before the accumulation of 4,500 hours' time in service, whichever occurs later, unless already accomplished.

(c) Accomplish the following actions in accordance with paragraphs 2A(1) and 2A(2) of Lockheed Alert Service Bulletin 093-54-A019, Revision 2, dated April 20, 1976, or later FAA-approved revision, or an FAA-approved equivalent.

(1) Visually inspect all alignments units (leaf springs and spring cartridges) installed at the forward articulating joint of the S-duct assembly for damaged units or worn attachment holes; and, if damage is found, repair, as necessary.

(2) Visually inspect the forward ring of S-duct assembly articulating joint, for cracks at all alignment unit locations. If cracks are found, either accomplish the modifications described in paragraph (f), below, or repair, as necessary, before further flight.

(d) Accomplish the following actions in accordance with paragraphs 2A(3) or 2A(4) or 2A(5) of Lockheed Alert Service Bulletin 093-54-A019, Revision 2, dated April 20, 1976, or later FAA-approved revision, or an FAA-approved equivalent.

(1) Inspect the upper half of the forward ring on the aft side of the S-duct assembly articulating joint for cracks using a dye penetrant method.

(2) If cracks are found, either accomplish the modifications described in paragraph (f), below, or repair, as necessary, before further flight.

(e) Until the center engine S-duct modifications of paragraph (f) have been accomplished, repeat compliance with the inspection and repair requirements of paragraphs (c) and (d) at intervals not to exceed 800 or 1600 or 2400 hours' time in service since the last inspection, whichever is appropriate, in accordance with the conditions and repetitive inspection interval criteria established by paragraphs 2A(1), 2A(2), and 2A(3) or 2A(4) or 2A(5) of Lockheed Alert Service Bulletin 093-54-A019, Revision 2, dated April 20, 1976, or later FAA-approved revision or an FAA-approved equivalent.

(f) The repetitive inspections required by paragraph (e) may be discontinued after the center engine S-duct forward articulating joint is modified in accordance with Part I of Lockheed Service Bulletin 093-54-019, dated November 4, 1975, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to a base where the inspections required by this AD can be performed.

NOTE: For the purpose of determining applicability, Part I configuration center engine S-ducts are identified as those utilizing two leaf spring and twelve spring cartridge type alignment units around the forward articulating joint as described by Lockheed Alert Service Bulletin 093-54-A019. Part I configuration S-duct may be found on, but not necessarily limited to, aircraft serials 1002 through 1037.

This supersedes Amendment 39-2256, AD 75-14-07, as amended by Amendments 39-2299 and 39-2360. Compliance with AD 75-14-07 may be credited for compliance with either the initial inspection requirements of paragraph (a) or (b) and the repetitive inspection requirements of paragraph (e).

This amendment becomes effective May 10, 1976.

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

Issued in Los Angeles, California on April 22, 1976.

LYNN S. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-12863 Filed 5-5-76;8:45 am]

[Docket No. 15693; Amdt. 39-2602]

PART 39—AIRWORTHINESS DIRECTIVES

Schempp Hirth and Burkhart Grob Standard Cirrus Gliders

There have been reports of aileron pushrod disconnects resulting from improper assembly on certain Standard Cirrus gliders that could result in a jamming of the aileron control system and a subsequent loss of roll control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued

which requires installation of a fuselage frame safety brace between the airbrake lever bearing and the left diagonal strut on Standard Cirrus gliders manufactured by Schempp Hirth and Burkhart Grob.

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

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

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

SCHEMPP HIRTH AND BURKHART GROB. Applies to Standard Cirrus gliders, certificated in all categories, serial numbers 1 through 510, 528, and 529 for Schempp Hirth gliders and serial numbers 1G through 544G for Burkhart Grob gliders.

Compliance is required within the next 100 flights after the effective date of this AD, unless already accomplished.

To prevent possible jamming of the aileron control system and consequent loss of roll control, accomplish the following:

(a) Install an SAE 1024 steel safety brace in the fuselage frame between the airbrake lever bearing and the left diagonal strut in accordance with Step 2 of the paragraph entitled "Instructions" of Schempp Hirth Technical Note 278–17, dated December 8, 1975, or an FAA-approved equivalent.

(b) For the purpose of this AD, a flight is a sequence consisting of a takeoff operation and a landing.

This amendment becomes effective May 20, 1976.

Issued in Washington D.C. on April 29, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–13005 Filed 5–5–76;8:45 am]

[Airworthiness Docket No. 76–WE–1–AD; Amdt. 39–2600]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–8 Series Airplane

Amendment 39–2522 (41 F.R. 7937), AD 76–04–04, requires initial and repetitive inspections of the wing front spar lower cap on McDonnell Douglas DC–8 Series airplanes and replacement of a section of the spar cap if cracked. Since the issuance of Amendment 39–2522, the manufacturer has issued Service Bulletin 57–82 which provides instructions for preventative rework of those spar caps which do not have cracks. The preventative rework improves the fatigue life of the spar cap to such an extent that the repetitive inspection of AD 76–04–04 may be discontinued.

The manufacturer has also developed a repair for cracked spars if the cracks are within certain specified limits. For those airplanes with cracks within those limits, the spar cap may be repaired in accordance with Douglas Service Rework Drawing 5802723, in lieu of the replacement of a section of spar per the Service Rework Drawing 5802712 specified in AD 76–04–04.

Several airlines have requested an extension of the initial and repetitive inspection times specified in AD 76–04–04, because the specified times would require them to remove airplanes from service in order to meet the inspection requirements. They represent that the inspection of approximately 20% of the fleet, most aircraft having between 40,000 and 55,000 hours time in service, without finding any cracks is justification for allowing more time for the remainder of the fleet, consisting of generally lower time airplanes. The FAA agrees.

Therefore, AD 76–04–04 is being amended to provide for a relaxation of inspection times and the rework and repair provisions of the above Service Bulletin and Service Rework Drawing.

Since this amendment provides alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2522 (41 F.R. 7937), AD 76–04–04, is amended as follows:

§ 39.13 [Amended].

1. Paragraph (a) of § 39.13 is revised to read:

"(a) For those airplanes which have had the original 17 interference fit fasteners replaced that attach the #1 and #14 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 1600 hours time in service after the effective date of this AD or before the accumulation of 30,000 hours total time in service, whichever occurs later, unless accomplished within the last 2600 hours time in service, and thereafter at intervals not to exceed 4200 hours time in service."

2. Paragraph (b) of § 39.13 is revised to read:

"(b) For those airplanes which have not had the original 17 interference fit fasteners replaced that attach the #1 and #4 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 3200 hours time in service after the effective date of this AD or before the accumulation of 30,000 hours total time in service, whichever occurs later, unless accomplished within the last 1000 hours time in service, and thereafter at intervals not to exceed 4200 hours time in service."

3. Paragraph (d) of § 39.13 is revised to read:

"(d) If cracks are found which are limited to the lower forward horizontal tang and have not progressed aft into the lower aft tang or vertical leg of the cap, repair before further flight in accordance with DC–8 Service Bulletin 57–82 dated March 17, 1976, or later FAA-approved revisions, or DC–8 Service Rework Drawing 5802723, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. If cracks are found which exceed the above limits, repair before further flight in accordance with DC–8 Service Rework Drawing 5802712, Revision "B" or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region."

4. A new paragraph (f) is added to § 39.13 to read:

"(f) The repetitive inspections required by Paragraphs (a) or (b) may be discontinued for those airplanes which have incorporated the preventative rework, involving stress coining of the fasteners holes and installation of interference fit fasteners in accordance with either Service Rework Drawing 5802712, Revision "B", or Service Rework Drawing 5802723, or McDonnell Douglas DC–8 Service Bulletin 57–82, dated March 17, 1976, or later FAA-approved revisions, or in accordance with an equivalent rework method approved by the Chief, Aircraft Engineering Division, FAA Western Region."

This amendment becomes effective May 13, 1976.

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

Issued in Los Angeles, California on April 27, 1976.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.76–13143 Filed 5–5–76;8:45 am]

[Docket No. 76–NE–15; Amdt. 39–2599]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S–61N Helicopters, Serial Numbers 61742 Through 61746 Inclusive, Certificated in all Categories

Amendment 39–2306 (40 F.R. 32829), AD 75–17–15 requires the removal from service and replacement of S1510–23133–0 main rotor blade attachment bolts identified by gold color, and applies to Sikorsky S–61N helicopters serial numbers 61742 through 61746 inclusive.

After issuing Amendment 39–2306, the Agency confirmed that all of the suspect lot of bolts have been removed from service. Therefore, the need for AD 75–17–15 is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39–2306 (40 F.R. 32829) AD 75–17–15.

This amendment becomes effective May 19, 1976.

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

Issued in Burlington, Massachusetts, on April 28, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-13145 Filed 5-5-76;8:45 am]

[Airspace Docket No. 76-SO-45]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Valdosta, Ga. (Moody AFB), control zone and the Valdosta, Ga., transition area.

The Valdosta (Moody AFB) control zone is described in § 71.171 (41 F.R. 355) and contains references to the Moody VOR. The Air Force will decommission the VOR on June 1, 1976, and it is necessary to alter the description by deleting all references to the VOR.

The Valdosta transition area is described in § 71.181 (41 F.R. 440) and also contains references to the Moody VOR. In addition, an extension predicated on the Moody TACAN is no longer required. It is necessary to alter the description by deleting all references to the VOR and revoking the extension which is no longer required.

Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 F.R. 355) the Valdosta, Ga. (Moody AFB), control zone is amended to read:

Within a 5-mile radius of Moody AFB (Latitude 30°58'01" N., Longitude 83°11'27" W.); within 1.5 miles each side of Moody TACAN 007° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

In § 71.181 (41 F.R. 440), the Valdosta, Ga., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (Latitude 30°46'58" N., Longitude 83°16'44" W.); within an 8.5-mile radius of Moody AFB (Latitude 30°58'01" N., Longitude 83°11'27" W.); within 3.5 miles west and 2 miles east of Moody TACAN 007° radial, extending from the 8.5-mile radius area to 11.5 miles north of the TACAN.

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

Issued in East Point, Ga., on April 23, 1976.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.76-13003 Filed 5-5-76;8:45 am]

[Airspace Docket No. 76-EA-33]

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

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the East Stroudsburg, Pa., Transition Area (41 F.R. 486).

The transition area extension designated for the RNAV 26 instrument approach procedure is no longer required and may be revoked.

Since this action is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the rule effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on May 6, 1976 as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the East Stroudsburg, Pa. transition area as follows:

Delete, "and within 6.5 miles northwest and 4.5 miles southeast of a 066° bearing from a point 41°05'31" N., 74°59'29" W., extending from said point to 11.5 miles northeast;"

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], sec. 6(c) of the DOT Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on April 23, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-13004 Filed 5-5-76;8:45 am]

[Airspace Docket 76-NW-6]

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

Alteration of Transition Area

On March 4, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 9368) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Corvallis, Oregon, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective Date: This amendment shall be effective 0901 G.m.t. on July 15, 1976.

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

Issued in Seattle, Washington, on April 14, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

In Section 71.181 (41 FR 476), the description of the Corvallis, Oregon, Transition Area is amended to read as follows:

CORVALLIS, OREGON

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (Latitude 44°-29'50" N., Longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029 radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles west of the Corvallis VOR 014 radial, extending from the 7-mile radius area to 15 miles north of the VOR, within 5 miles each side of the Eugene, Oregon, VORTAC 345 radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180 radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oregon, Transition Area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029 and 209 radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

[FR Doc.76-13142 Filed 5-5-76;8:45 am]

[Airspace Docket 76-NW-5]

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

Alteration of Transition Area

On March 4, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 9367) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yakima, Washington, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective Date: This amendment shall be effective 0901 G.m.t. on July 15, 1976.

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

Issued in Seattle, Washington, on April 16, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

In Section 71.181 (41 FR 621), the description of the Yakima, Washington, Transition Area be amended to read as follows:

YAKIMA, WASHINGTON

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakima Airport (Latitude 46°33'35" N., Longitude 120°32'25" W.), within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Yakima VORTAC, excluding the airspace north of Yakima that overlies the Ellensburg, Washington, Transition Area; that airspace northeast of the 25-mile radius circle bounded on the north by Latitude 47°00', on the east by 120°00', on the southeast by V-448, and on the northwest by the Ellensburg, Washington, Transition Area; that airspace within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; and that airspace south of the 25-mile radius circle bounded on the northeast by V-4, on the south by V-520, and on the west by V-25E.

[FR Doc.76-13141 Filed 5-5-76;8:45 am]

[Docket No. 15675; Amdt. No. 1019]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective June 17, 1976.*

Thermal, CA—Thermal Arpt., VOR-A, Amdt. 1
Thermal, CA—Thermal Arpt., VOR/DME Rwy 30/35, Amdt. 1
LaGrange, GA—Callaway Arpt., VOR Rwy 13, Amdt. 10
Honolulu, HI—Honolulu Int'l Arpt., VOR Rwy 8 (TAC), Amdt. 10
Laredo, TX—The Laredo Muni. Arpt., VOR/DME Rwy 14, Amdt. 1
Laredo, TX—The Laredo Muni. Arpt. VOR/DME Rwy 32, Amdt. 1
Manassas, VA—Manassas Muni./Harry P. Davis Field, VOR-B, Original
Manassas, VA—Manassas Muni./Harry P. Davis Field, VORTAC-B, Amdt. 1, cancelled
Leesburg, VA—Leesburg Muni. (Godfrey Field), VOR Rwy 35, Original
Leesburg, VA—Leesburg Muni. (Godfrey Field), VOR/DME Rwy 35, Amdt. 1, cancelled

. . . *effective April 22, 1976*

Joliet, IL—Joliet Muni. Arpt., VOR Rwy 12, Amdt. 6

. . . *effective April 21, 1976*

Manassas, VA—Manassas Muni./Harry P. Davis Field, VORTAC-B, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective June 17, 1976.*

Cleveland, OH—Cuyahoga County Arpt., LOC(BC) Rwy 5, Amdt. 1

. . . *effective May 20, 1976*

New Iberia, LA—Acadiana Regional Arpt., LOC Rwy 34, Original

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 17, 1976.*

Ada, OK—Ada Muni. Arpt., NDB-A, Amdt. 1
Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley Arpt., NDB Rwy 4, Amdt. 3

. . . *effective May 20, 1976*

New Iberia, LA—Acadiana Regional Arpt., NDB Rwy 34, Original
Haskell, TX—Haskell Muni. Arpt., NDB Rwy 18, Original

. . . *effective April 21, 1976.*

Mansassas, VA—Manassas Muni./Harry P. Davis Field, NDB-A, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 17, 1976.*

Honolulu, HI—Honolulu Int'l Arpt., ILS Rwy 4R, Amdt. 2
Honolulu, HI—Honolulu Int'l Arpt., ILS Rwy 8, Amdt. 10
Cleveland, OH—Cuyahoga County Arpt., ILS Rwy 23, Amdt. 3
Staunton-Waynesboro-Harrisonburg, PA—Shenandoah Valley Arpt., ILS Rwy 4, Amdt. 1

. . . *effective April 26, 1976*

Denver, CO—Jeffco Arpt., ILS Rwy 29R, Amdt. 2

. . . *effective April 21, 1976*

Fairbanks, AK—Fairbanks Int'l Arpt., ILS Rwy 19R, Amdt. 17

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective June 17, 1976.*

St. Petersburg, FL—Albert Whitted Arpt., RADAR-1, Original

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective June 17, 1976.*

Jacksonville, FL—Craig Muni. Arpt., RNAV Rwy 31, Amdt. 3
Chapel Hill, NC—Horace Williams Arpt., RNAV Rwy 8, Amdt. 1
Chapel Hill, NC—Horace Williams Arpt., RNAV Rwy 26, Amdt. 1
Greensboro, NC—Greensboro-High Point Winston Salem Regional Arpt., RNAV Rwy 23, Amdt. 2
Cleveland, OH—Cuyahoga County Arpt., RNAV Rwy 23, Amdt. 4
Leesburg, VA—Leesburg Muni. (Godfrey Field), RNAV Rwy. 17, Amdt. 4

. . . *effective April 26, 1976*

Denver, CO—Jeffco Arpt., RNAV Rwy 29R, Amdt. 2

. . . *effective April 22, 1976*

Joliet, IL—Joliet Muni. Arpt., RNAV Rwy 12, Amdt. 7

. . . *effective April 21, 1976*

Manassas, VA—Manassas Muni./Harry P. Davis Field, RNAV Rwy 16, Amdt. 4

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1538, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on April 29, 1976.

NOTE: Incorporation by reference provision in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-13144 Filed 5-5-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1116—POLICY AND PROCEDURES REGARDING SUBSTANTIAL PRODUCT HAZARDS

Deferral of Revision

The purpose of this notice is to announce that the Consumer Product Safety Commission has decided to defer amending its Policy and Procedures Regarding Substantial Product Hazards (16

CFR 1116, 40 FR 30936, July 24, 1975) until it has had additional experience operating thereunder. The policy and procedures concern the administration of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) which deals with consumer products which create or could create a substantial product hazard.

The policy and procedures, published in the FEDERAL REGISTER on July 24, 1975, became effective on October 25, 1975. Although advance notice and opportunity for public comment are not required by law for statements of policy and procedure, the Commission invited public comment on the document. Numerous comments were received from manufacturers, retailers, trade associations, other government agencies, and consumer groups.

The Commission has reviewed the comments but believes it is premature at this time to attempt to determine whether it should modify the procedures because the Commission has had insufficient time to gain adequate experience with the existing procedures. Therefore, the Commission has decided to defer any action on these regulations until it has had the benefit of additional practical experience gained by administering the existing procedures. The Commission anticipates finalizing the procedures, in light of the comments received and the additional experience, on or about September 30, 1976.

Dated: May 3, 1976.

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

[FR Doc.76-13225 Filed 5-5-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Ampicillin Trihydrate Tablets

The Food and Drug Administration has evaluated a supplemental new animal drug application (55-042V) filed by Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, proposing the safe and effective use of ampicillin trihydrate tablets in dogs for treating certain respiratory tract infections, urinary tract infections, and gastrointestinal infections, in addition to its use for the treatment of infections associated with abscesses, lacerations, and wounds. The supplemental application is approved, effective May 6, 1976.

The Commissioner of Food and Drugs is amending § 540.107a (21 CFR 540.107a) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 540 is amended in § 540.107a by revising paragraph (c)(3)(i) to read as follows:

§ 540.107a Ampicillin trihydrate tablets.

* * * * *

(c) * * *

(3) *Conditions of use.* (i) Dogs: The drug is administered orally for the treatment of infections caused by susceptible organisms as follows:

(*a*) Respiratory tract infections: Upper respiratory infections, tonsillitis, and bronchitis due to *Streptococcus spp., Staphylococcus spp., Escherichia coli, Proteus mirabilis,* and *Pasteurella spp.*

(*b*) Urinary tract infections (cystitis) due to *Streptococcus spp., Staphylococcus spp., Escherichia coli, Proteus mirabilis, and Enterococcus spp.*

(*c*) Gastrointestinal infections due to *Staphylococcus spp., Streptococcus spp., Enterococcus spp.,* and *Escherichia coli.*

(*d*) For the treatment of infections associated with abscesses, lacerations, and wounds caused by *Staphylococcus spp.,* and *Streptococcus spp.*

* * * * *

Effective date. This amendment shall be effective May 6, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: April 29, 1976.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.76-13171 Filed 5-5-76;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. FI-1099]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 F.R. 57210-212 and 41 F.R. 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Alabama	Baldwin	Silverhill, town of	Apr. 28, 1976, emergency	June 28, 1974	010010A
Arkansas	Washington	Johnson, city of	do	Apr. 25, 1975	050218
Kentucky	Scott	Stamping Ground, city of	do	Jan. 3, 1975	210261
Ohio	Muskingum	Unincorporated areas	do	Mar. 28, 1975	390425
Pennsylvania	Cambria	Susquehanna, township of	do	Nov. 15, 1974	421447
Do	Clarion	Toby, township of	do		422377
*	*	*	*	*	*
Georgia	Towns	Young Harris, city of	Apr. 29, 1976, emergency	June 14, 1974	130174
Kansas	Marshall	Vermillion, city of	do	Dec. 20, 1974	200213
Missouri	Lafayette	Odessa, city of	do	May 2, 1975	290069
Montana	Granite	Philipsburg, town of	do	Sept. 26, 1975	300117
Nebraska	Custer	Anselmo, village of	do	Nov. 22, 1974	310050
New York	Jefferson	Brownville, town of	do	Dec. 6, 1974	361003A
Do	Chautauqua	Clymer, town of	do	Jan. 17, 1975	361369
Do	Hamilton	Morehouse, town of	do	Feb. 14, 1975	361497
Do	Tompkins	Trumansburg, village of	do	Jan. 10, 1975	361479
North Dakota	Williams	Buford and Trenton, townships of.	do		382312
Ohio	Mahoning	Craig Beach, village of	do	Apr. 18, 1975	390745
Texas	Fannin	Savoy, city of	do	Sept. 26, 1975	480813
West Virginia	Raleigh	Unincorporated areas	Apr. 26, 1976, emergency	Apr. 25, 1975	540169
Wyoming	Big Horn	Manderson, town of	Apr. 25, 1976, emergency	Sept. 13, 1974 Jan. 16, 1976	560096A
*	*	*	*	*	*
Alabama	Bibb	Unincorporated areas	April 30, 1976. Emergency.	Feb. 14, 1976	010226
Minnesota	Anoka	Lino Lakes, city of	do	Dec. 13, 1974	270015
New York	Essex	Elizabethtown, town of	do	Jan. 24, 1975	361388
Do	Jefferson	Henderson, town of	do	Jan. 23, 1976	360338
Do	Wyoming	Pike, town of	do	Sept. 13, 1974	360947
Ohio	Fulton	Archbold, village of	do	Sept. 5, 1975	390603
Do	Muskingum	Dresden, village of	do	Feb. 14, 1975	390705
Texas	Archer	Archer City, city of	do	June 27, 1975	480698
Wisconsin	Columbia	Doylestown, village of	do		550059

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

Issued: April 22, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 76-13079 Filed 5-5-76; 8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 30—FINAL REGULATION RELATING TO THE LEAA IMPLEMENTATION OF THE OMB CIRCULAR NO. A-95 REVISED

Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects

The Law Enforcement Assistance Administration hereby adds a new Part 30 to Chapter 1 of Title 28 of the Code of Federal Regulations. This regulation will revise current guidelines governing compliance with OMB Circular No. A-95 Revised entitled "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects."

On February 27, 1976, the Law Enforcement Assistance Administration published proposed regulations for implementing OMB Circular No. A-95 Revised in the FEDERAL REGISTER. Comments have been received and modifications to the regulation have been made.

Effective date: This regulation will become effective May 6, 1976.

RICHARD W. VELDE,
Administrator.

Accordingly, Part 30 of Title 28 is added to read as follows:

Subpart A—General Provisions

Sec.
30.1 Purpose.
30.2 Authority.
30.3 Implementation.
30.4 Coverage, exceptions, and variations.
30.5 Clearinghouse functions.
30.6 Memorandum of agreement signatories.
30.7 Applicant for assistance to accomplish areawide planning.
30.8 SPA implementation of memorandum of agreement requirement.

Subparts B–E [Reserved]

Subpart F—Definitions

30.9 Definitions.

AUTHORITY: OMB Circ. No. A-95 Rev.; Sec. 501, Crime Control Act of 1973, as amended (42 USC 3701).

Subpart A—General Provisions

§ 30.1 Purpose.

The purpose of this regulation is to implement OMB Circular A-95 Revised (41 Federal Register 2052 (January 13, 1976)) for the cooperation with the Law Enforcement Assistance Administration (LEAA) and State Planning Agencies (SPAs) in the evaluation, review, and coordination of LEAA assisted programs and projects.

§ 30.2 Authority.

This regulation is based upon and incorporates OMB Circular No. A-95 Revised, and is promulgated for the:

(a) Encouragement for the use of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968.

(b) Coordination of direct Federal development programs and projects which State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

(c) Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality.

(d) Furthering the objectives of Title VI of the Civil Rights Act of 1964; section 262(b) of the Juvenile Justice and Delinquency Prevention Act of 1974; and section 518(c) of the Crime Control Act of 1973.

§ 30.3 Implementation.

Full compliance with OMB Circular No. A-95 Revised is required by all applicants for funds under programs associated with section 205, section 306(a), section 455(a) and section 515(b) of the Crime Control Act of 1973, Pub. L. 93-83 as amended by Pub. L. 93-415, and section 222(a) and section 224(a) of the Juvenile Justice Delinquency Prevention Act of 1974, Pub. L. 93-415. This regulation and OMB Circular No. A-95 Revised will have applicability to all programs, projects, and activities (or significant substantive changes thereto) for which LEAA assistance is being sought as outlined below:

(a) This regulation and Part I of OMB Circular No. A-95 Revised cover the following programs:

(1) 16.500 Law Enforcement Assistance—Comprehensive Planning Grants.

(2) 16.501 Law Enforcement Assistance—Discretionary Grants.

(3) 16.502 Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice.

(4) 16.515 Criminal Justice Systems Development.

(5) 16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Formula Allocation to the States.

(6) 16.517 Law Enforcement Assistance—JJDP Special Emphasis Prevention and Treatment.

(b) Part II of OMB Circular No. A-95 Revised does not apply to LEAA assisted programs and projects.

(c) This regulation and Part III of OMB Circular No. A-95 Revised cover the following programs:

(1) 16.502 Law Enforcement Assistance—Improving and Strengthening

Law Enforcement and Criminal Justice.

(2) 16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Allocation to the States.

(d) This regulation and Part IV of OMB Circular No. A–95 Revised cover the same programs as listed in § 30.3(a).

§ 30.4 Coverage exceptions, and variations.

(a) LEAA may request an exemption from OMB for certain classes of projects or activities under programs otherwise covered as defined in paragraph 8c of OMB Circular No. A–95 Revised.

(b) LEAA may request procedural variations from normal review processes as defined in paragraph 8d of OMB Circular No. A–95 Revised.

(c) All requests from LEAA offices or SPAs through LEAA Regional Offices for exemptions or procedural variations should be routed through the Office of Regional Operations, LEAA, Washington, D.C. 20531.

§ 30.5 Clearinghouse functions.

In addition to clearinghouse functions specified in paragraph 3e of OMB Circular No. A–95 Revised, organizations such as State and local commissions on the status of women will be afforded an opportunity to comment on the proposed project's impact on women.

§ 30.6 Memorandum of agreement signatories.

The signatories to the memorandum of agreement are:

(a) The areawide comprehensive planning agency (usually the areawide A–95 clearinghouse) and

(b) The applicant for assistance to carry out areawide planning if other than (a) above. (Not infrequently (a) and (b) are the same, in which case no memorandum of agreement is required.)

§ 30.7 Applicant for assistance to accomplish areawide planning.

The applicant referred to in § 30.6(b) will in most cases mean any Regional Planning Units which covers a multijurisdictional area comprising, encompassing or extending into more than one unit of general local government and which does not operate under the auspices of an areawide comprehensive planning agency.

§ 30.8 SPA implementation of memorandum of agreement requirement.

The SPA is required to assure that the memorandum of agreement requirement is followed. SPA procedures must reflect that requirement.

Subpart F—Definitions

§ 30.9 Definitions.

The following definitions provided in Part V of OMB Circular No. A–95 Revised are modified as follows for the purpose of applicability to LEAA assisted programs and projects:

(a) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(b) "Unit of general local government" means any city, county, township, town, borough, parish, village or other general purpose political subdivision of State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia.

(c) "Federal assistance, Federal financial assistance, Federal assistance program, or federally assisted program" means any LEAA program that provides assistance through grant or contractual arrangements. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47–2501a and 47–2501b).

(d) "Funding agency" is the Law Enforcement Assistance Administration (LEAA) or, in the case of block or formula grant programs, the State Planning Agency (SPA) which is responsible for final approval of applications for assistance.

[FR Doc.76–13181 Filed 5–5–76;8:45 am]

Title 40—Protection of the Environment

[FRL 528–5]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Indiana; Disapproval of Plan Revisions

Pursuant to Section 110 of the Clean Air Act, the State of Indiana submitted to the Administrator of the United States Environmental Protection Agency on January 31, 1972, an implementation plan to achieve the National Ambient Air Quality Standards. The plan was approved by the Administrator on May 31, 1972 (37 FR 10842) with several exceptions. Included in the plan was APC–15 affecting control of hydrocarbon emissions from stationary sources. This regulation was amended and subsequently approved in toto by the Administrator on May 14, 1973 (38 FR 12698).

Most recently, the Indiana Air Pollution Control Board after public notice and hearing adopted revisions to regulation APC–15 and adopted the new regulation APC–22. On October 3, 1974, the Technical Secretary submitted APC–22 and on November 8, 1974, he submitted revised APC–15. Whereas controls are currently required throughout the Metropolitan Chicago, Indianapolis, Louisville and Cincinnati AQCRs, the revision would limit the areas for the control of hydrocarbons to Lake and Marion Counties. With the revised regulations, the State submitted a technical support document describing the rationale for the changes to the regulations.

On May 2, 1975 (40 FR 19210) the Regional Administrator of the U.S. EPA, Region V, requested public comment on these and other proposed revisions to the regulations contained in the Indiana State Implementation Plan (SIP). Final actions on APC–3, 16, 17, 18, 20 and portions of APC–22 were noted in the FEDERAL REGISTER dated October 28, 1975 (40 FR 50032). Final action on APC–13 and APC–22 as it relates to APC–13 will appear in a future FEDERAL REGISTER. Comments received generally supported approval of revised APC–15 because it eliminated control in areas where violations of the photochemical oxidant standard have not been recorded. In EPA's judgment, removal of APC–15 control would seriously impede attainment of the oxidant standard for the reasons discussed below.

Revised APC–15 together with new APC–22 changes the presently applicable plan in three significant ways:

1. The removal of controls in Ohio and Dearborn Counties in the Metropolitan Cincinnati Interstate AQCR, in Porter County in the Metropolitan Chicago Interstate AQCR, Floyd and Clark Counties in the Louisville Interstate AQCR and the counties surrounding Marion County in the Metropolitan Indianapolis Intrastate AQCR.

2. Reduction of the hydrocarbon sources subject to control by elimination of the requirement that exempt industrial surface coatings must be water-based and by the introduction of a Rule 66-type section which in effect exempts more solvent mixtures than the currently approved APC–15.

3. Reduced control of hydrocarbon transfer operations by the equating of vapor recovery, which provides 90 percent control of vapor emissions, with submerged fill or bottom loading which provides only 30 to 45 percent control of emissions.

The last two changes affect control of hydrocarbon emissions from both new and existing stationary sources.

With regard to the removal of control from certain counties, the mechanism for oxidant formation requires time for completion of the complex reactions involving hydrocarbons. Those hydrocarbon compounds which react slowly will contribute to oxidant formation in suburban and rural areas downwind of the metropolitan areas. Conversely, emissions in suburban and rural areas contribute to metropolitan oxidant levels. Under stagnant meteorological conditions, the less reactive hydrocarbons may persist from one day to the next contributing to episode accumulations of oxidants. Furthermore, recent studies in Ohio have demonstrated that transport phenomena can cause high oxidant levels to occur in places where such levels would not otherwise be expected. For these reasons, EPA deems it unwise to reduce hydrocarbon controls in the region surrounding an area of measurably high oxidant levels.

Rule 66-type oxidant control strategies have been directed to controlling reactive hydrocarbons or organic compounds and generally provide for substitution of less

reactive materials for moderate and highly reactive materials where elimination of reactive materials is not feasible or economic. While the substitution strategy is successful in reducing oxidant levels in large metropolitan areas, recent studies showing the development of high oxidant levels in rural areas indicate a need for increased regional control of all organic compounds that participate in oxidant formation. Therefore, the concept of controlling "total organic compound emissions" discussed in Appendix B of 40 CFR Part 51 is necessary because the prolonged exposure of "less reactive" hydrocarbons to solar radiation under certain meteorological conditions can cause the formation of excessive levels of oxidants at distances well removed from the sources. The continued use of reactivity-oriented measures can be considered as a viable control measure for extremely isolated urban areas or as an interim control measure in areas where all reasonably available control technology (RACT) has been applied.

EPA approved the original APC–15 because control was required to meet oxidant standards. In addition, it was necessary for EPA to promulgate Federal oxidant control plans in certain areas in 1973 and 1974 to supplement the existing State Implementation Plan requirements. Furthermore, Air Quality Maintenance Plans (AQMPs) are currently being developed to provide for both attainment and maintenance of the oxidant standard in the Chicago, Indianapolis, and Cincinnati AQCRs. Thus, removing control from counties immediately adjacent to counties known to have high oxidant levels, and reducing control where it is retained, would not only reduce the effectiveness of present oxidant control strategies but also would interfere with attainment and maintenance of the standard. Accordingly, the USEPA is disapproving revisions APC–15 and APC–22 as it relates to APC–15 to the Indiana State Implementation Plan because these regulations fail to meet the requirements of 40 CFR Part 51.3 (Priority Classification of Air Quality Control Regions) and 51.14 (Control Strategy: Carbon Monoxide, Hydrocarbons, Photochemical Oxidants, and Nitrogen Dioxide) in that APC–15 and APC–22 do not assure the attainment and maintenance of the National Ambient Air Quality Standard for photochemical oxidants.

An evaluation review discussing the background for the decision noted above is available for inspection at the following places; The Region V office of the U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604; the Public Information Reference Unit, U.S. Environmental Protection Agency Library, Waterside Mall, Washington, D.C. 20460; and the Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Authority: 42 USC 1857c–5(a)

Dated: April 29, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76–13112 Filed 5–5–76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–196]

PART 4—MARINE INVESTIGATION REGULATIONS

Report of Investigation

Purpose. These amendments revise the description of Coast Guard marine investigation administration in 46 CFR Subpart 4.07 by revising § 4.07–10, "Report of investigation."

Paragraph (a) of § 4.07–10 now states in part that the District Commander forwards the investigating officer's report of a marine casualty or accident to the Commandant with a detailed endorsement that describes the action taken at his administrative level. The Coast Guard is revising this description to state that the Officer in Charge, Marine Inspection also will forward the report with the same type of detailed endorsement that describes the action taken at his administrative level. This additional endorsement ensures a more thorough record of the action taken on each marine investigation at each administrative level.

For the same reason, the administrative procedure for a marine investigation report from a foreign port is being revised. Paragraph (b) of § 4.07–10 now states that the investigating officer forwards his report directly to the Commandant. The Coast Guard is revising this description to state that the investigating officer in the foreign port forwards his report to the Merchant Marine Detail Office or the Officer in Charge, Marine Investigation, who forwards it with the same type of detailed endorsement described in § 4.07–10(a) to the Commander, Coast Guard Activities, Europe, if it is a European port or to the Comander, Fourteenth Coast Guard District if it is an Asian or Pacific port. They then forward it to the Commandant with the same type of endorsement describing the action taken at their administrative level.

Since these amendments revise a description of Coast Guard procedure, the notice of proposed rulemaking and public procedure requirements in 5 U.S.C. 553(b) do not apply. Since they impose no substantive burden upon any person, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(3).

In consideration of the foregoing, Part 4 of Title 46, Code of Federal Regulations, is revised as follows:

§ 4.07–10 [Amended]

1. The second sentence in paragraph (a) of § 4.07–10 is revised by deleting the words "The District Commander" and substituting the words "The Officer in Charge, Marine Inspection, and the District Commander" in their place.

2. Paragraph (b) of § 4.07–10 is revised to read as follows:

* * * * *

(b) At the conclusion of the investigation, the investigating officer shall submit the report described in paragraph (a) to the Commandant via the Merchant Marine Detail Officer or the Officer in Charge, Marine Inspection, and the Commander, Coast Guard District Activities Europe for a European port or Commander, Fourteenth Coast Guard for an Asian or Pacific port. The Merchant Marine Detail Officer or the Officer in Charge, Marine Inspection, and Commander, Coast Guard Activities Europe or Commander, Fourteenth Coast Guard District shall forward the investigating officer's report to the Commandant with the endorsement described in paragraphs (a)(1) through (4).

(5 U.S.C. 552, 14 U.S.C. 2, 93(e), 633, 33 U.S.C. 363–365, 43 U.S.C. 1333, 46 U.S.C. 239, 367, 375, 390b, 416, 526p., 1333, 49 U.S.C. 1655(b)(1), and 50 U.S.C. 198; 49 CFR 1.46(b) and (u))

Effective date. These amendments become effective on May 6, 1976.

Dated: April 29, 1976.

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

[FR Doc.76–13205 Filed 5–5–76;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 72–19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding [40 FR 47770; October 10, 1975], it has been determined that further postponement of their effective date is warranted. Accordingly, it is ordered that the "May 1, 1976" effective date incorporated in the first sentence of Sec. 536.16 of Part 536, 46 CFR is amended to read "August 2, 1976".

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–13233 Filed 5–5–76;8:45 am]

Title 49—Transportation

CHAPTER I—OFFICE OF HAZARDOUS MATERIALS OPERATIONS, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-22; Amdt. No. 171-33]

PART 171—GENERAL INFORMATION AND REGULATIONS

Matter Incorporated by Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

On March 12, 1976, a notice of proposed rule making was published, Docket HM-22; Notice No. 76-3 (41 FR 10627), proposing to make the above change. Two comments were received in this docket both of which supported the proposal.

In consideration of the foregoing, paragraph (d)(1) of § 171.7 is amended by changing the date June 30, 1975 to read "December 31, 1975."

Effective: June 30, 1976.

(18 U.S.C. 834, 49 CFR 1.53(g))

Issued in Washington, D.C. on May 3, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76-13177 Filed 5-5-76;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSEP-1, Notice No. 3]

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVES AND EQUIPMENT

Standard Forms

On March 24, 1975, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rule-making (NPRM) requesting comments on a suggested new Part 216—Special Notice and Emergency Order Procedures: Railroad Track, Locomotives, and Equipment (40 FR 14336). Interested persons were invited to participate in the rule-making proceeding by submitting written comments by May 15, 1975. On June 18, 1975, FRA published in the FEDERAL REGISTER (40 FR 25688) notice of a public hearing to be convened July 8, 1975.

After carefully considering all written comments received and oral comments made at the public hearing, FRA has decided to adopt the proposed rules with several substantive changes as well as minor changes designed to clarify the meaning of certain provisions. However, the essential thrust of the rulemaking remains unchanged.

Substantive changes were made in § 216.5, 216.11, 216.13, 216.15 and 216.25 (b). The references to standard FRA forms in proposed § 216.5(c) and the reporting requirements in proposed § 216.11 (b) and 216.15(b) have been deleted. Consequently, paragraph (b) of proposed § 216.11 has been deleted in its entirety and paragraph (c) has been redesignated paragraph (b); and paragraph (b) of proposed § 216.15 has also been eliminated. These changes were made because Office of Mangement and Budget (OMB) approval has not yet been obtained (44 U.S.C. 3509). However, this rulemaking proceeding will remain open solely for the purpose of permitting FRA to adopt these deleted provisions upon OMB approval. In § 216.13(b), a sentence has been added to reflect the statutory requirement that the report be made under oath (45 U.S.C. 29).

Finally, § 216.25 has been amended to prescribe more detailed procedures for petitions for review of emergency orders pertaining to track. Upon receipt of such a petition, FRA will immediately contact the petitioner and set up a conference at the earliest date acceptable to the petitioner. At this conference, the petitioner may present facts, arguments and proposals for modification or withdrawal of the emergency order. If the matter is not resolved at the conference and the petitioner so requests in writing, a hearing will be scheduled to commerce within 14 days of receipt of the request. This hearing will be conducted in accordance with sections 556 and 557, Title 5, United States Code.

Most of the comments were generally supportive of the proposed procedures, although several commenters seriously questioned the need for vesting additional authority in FRA and State safety inspectors. FRA has concluded that this authority is necessary for use in those exceptional instances when cooperative efforts fail. Certainly the primary responsibility for safety rests with the railroads. However, where there is a default and an inspector is present, that inspector should not be powerless to act.

Written comments and oral remarks reflected concern that the Special Notice authority would be used to take equipment out of service and to reduce track in class in any case where the inspector discovers technical noncompliance with a standard. FRA recognizes that certain conditions may violate the Freight Car Safety Standards, for instance, without posing an immediate and unreasonable threat to safety at a given instant. The problem may be one which indicates a developing hazard or one which may create a hazard in combination with another condition which has not yet arisen. Accordingly, these standards are designed to have a preventive effect of inducing railroads to detect and correct problems before they become immediate safety hazards. By contrast, a Special Notice would be issued only where the violative conditions are such as to render the instrumentality "unsafe for further service". With respect to equipment, issuance of a Special Notice will evidence the Inspector's judgment that movement for great distances under section 215.9 of the Freight Car Safety Standards (49 CFR Part 215) presents unacceptable risks. It is intended that Inspectors will work with carrier representatives to develop interim measures which will serve both the interests of safety and economy. For instance, where an empty car can be moved for repair without hazard if it remains unloaded (as it must in any event if it is to be moved under § 215.9), a carrier's undertaking to observe this limitation on use until repairs can be effected will obviate the need for issuance of a Special Notice. Similarly, where the appropriate railroad representative voluntarily imposes a slow order on track identified as substandard for operations at given speed ranges, the Inspector will have no occasion to issue a Special Notice.

Some of the comments received suggested measures which appear to exceed the reach of the Federal Railroad Safety Act of 1970. For instance, on commenter suggested that the procedures should require repair of an instrumentality subject to a Special Notice within a fixed time, thereby avoiding economic loss. Another commenter would require a railroad subject to the Special Notice for Repairs-Track Class or Notice of Track Conditions to advise all shippers on the line of the reduction in class or potential cessation of use. While these proposals are not without merit, they apparently go beyond the purview of the authorizing statute.

One commenter would extend the proposed Special Notice authority to signal systems, prohibiting any movement where a system has failed. This suggestion is beyond the scope of the notice of proposed rulemaking. Experience to date under §§ 236.11 and 236.4 of the Signal Inspection Act regulations (49 CFR Part 236) indicates such authority may not be necessary. However, it would always be possible for the Administrator to issue an Emergency Order should an unusually hazardous condition be discovered.

Other commenters expressed concern over the practice of hauling empty hopper cars with open drop bottom doors, a matter beyond the scope of the rules as proposed in the initial notice. Comments submitted on this issue may be treated in future rulemaking, since the subject matter is not sufficiently related to any active rulemaking docket.

Two commenters challenged FRA power to make rules providing for the issuance of Special Notices absent express declaration of an emergency under section 203 of the Federal Railroad Safety Act of 1970. FRA believes that the Act, as amended, constitutes a comprehensive grant of authority to regulate in the interest of railroad safety. The proposed procedures would merely facilitate the enforcement of existing statutory and regulatory provisions and are clearly within the scope of the Act and intent of Congress. While not legally dispositive, it is significant that the Committee on Interstate and Foreign Commerce of the House of Representatives remarked favorably on this rulemaking in its report on Federal Railroad Safety Act authorizations. H.R. Rep. No. 94-240 at page 7; May 22, 1975.

Section 216.7 relates to penalties for the violation of Special Notices, and the final rule is revised to clarify that intent. One commenter questioned the fixing of the flat $2,500 penalty in advance. FRA believes that section 209(b) of the Act clearly contemplates such a course. Moreover, a knowing or negligent disregard of a Special Notice warrants imposition of the maximum penalty.

One commenter questioned the $2,500 penalty in light of the lesser penalty of the Locomotive Inspection Act. The purpose of the Federal Railroad Safety Act of 1970 was to permit the erection of a consistent and comprehensive regulatory structure. Previously enacted statutes were to remain as an irreducible minimum level of protection for the public interest. Existence of independent authority under the Locomotive Inspection Act does not negate the broader grant of the 1970 Act or prevent the establishment of a reasonable equivalence of sanctions among similar regulatory provisions.

Sections 216.11, 216.13, and 216.15 prescribe the three types of Special Notices. One commenter would permit issuance of these notices by telephone or telegraph. FRA recognizes that occasional circumstances might arise in which these options might prove beneficial, but has determined that their benefits are outweighed by the potential for confusion and uncertainty attendant to communication through electronic media. Of course, it will still be possible to give advance warning that a Special Notice is to be issued, and sanctions for the violation of substantive standards can be invoked if the warning fails to produce the desired result.

Section 216.11 concerns the Special Notice for Repairs—Railroad Freight Car. Several commenters expressed concern that the use of this Special Notice would tend to disrupt maintenance schedules and promote an inefficient allocation of resources. As indicated above, FRA intends that the Special Notice be employed with restraint to deal with problems not solvable through responsible use of the movement-for-repairs provision of the Freight Car Safety Standards (49 CFR 215.9).

When a Special Notice is issued, the car may still be moved to the nearest point on line where proper repairs can be made. Contrary to fears expressed by some commenters, FRA does not intend that the occupational safety of carmen be endangered by requiring major repairs to be made at minor repair points; nor is it intended that repairs be attempted where a lack of equipment or specially trained personnel would make the effort futile. The final rule is revised to make clear that a car subject to a Special Notice may be moved to the nearest point at which the needed repairs can be made safely and effectively.

One commenter suggested that FRA delay implementation of this section until greater experience is acquired under the Freight Car Safety Standards. FRA has determined that experience already acquired, coupled with similar experience under other safety standards, indicates the wisdom of going forward with this rulemaking.

Section 216.13 reissues, under the Federal Railroad Safety Act of 1970, authority presently exercised under the Locomotive Inspection Act. The section enunciates procedures applicable under both statutes.

It should be noted that reference in the section to "other conditions rendering the locomotive unsafe" as a basis for issuing the Special Notice is not a departure from prior practice. The Locomotive Inspection Act permits removal from service for nonconformity to "the law" (45 U.S.C. 29), and the law requires locomotives to be "safe to operate in the service to which the same are put * * *" (45 U.S.C. 23). FRA inspectors have exercised this power with restraint and good judgment for decades, and they can be expected to so act in the future.

Section 216.15 pertains to the Special Notice for Repairs—Track Class. Several commenters predict severe economic repercussions from the grant of this authority to a single State or Federal inspector. FRA believes that the continuing rise in train accidents is evidence of a decline in track conditions on some railroads. While the personal judgment of any individual may be disputed, FRA believes that the standards are sufficiently objective and the risks inherent in delay are sufficiently great that a single inspector should be able to take prompt action to assure safety. The purpose of this Special Notice is to provide for the prompt abatement of serious safety hazards by requiring maximum operating speeds on FRA class 2–6 track (49 CFR 213.9) to be reduced to correspond to present track conditions. Prompt review of the initial decision on request of the railroad will be provided to limit any unwarranted economic loss.

Section 216.17 establishes appeal procedures for the three types of Special Notices. In keeping with the remarks of one commenter, FRA will endeavor to achieve national uniformity of practice through a continuing review of appeals sustained and denied.

Subpart C outlines procedures for the issuance of Emergency Orders removing dangerously substandard track from service, a sanction with major economic implications. Having determined other enforcement mechanisms to be adequate on an interim basis, FRA has considered and rejected the suggestion that this authority be delegated outright to individual inspectors. The objective of the procedures as drafted is to maximize the involvement of FRA, State, and railroad of particularly serious problems. While officials in seeking the prompt resolution conditions are being assessed and options explored, operations can be controlled through the use of the Special Notice—Track Class and through the enforcement of specific limitations imposed by the Track Safety Standards (49 CFR Part 213).

Section 216.25(c) is added in the final rule to make clear that an Emergency Order, once issued, will normally remain in effect pending completion of the review process.

One commenter suggested the procedures of Subpart C be extended to equipment and other instrumentalities with respect to which an emergency situation may arise. It should be emphasized that Subpart C is not intended to cover all emergency situations but is limited to those relating to track. FRA has invoked this emergency power in the past to deal with equipment, operating practices, and other problems. However, FRA cannot at this time anticipate the factual context of problems in these areas with sufficient precision to prescribe appropriate emergency order procedures for these problems. For the present, FRA will continue to deal with each such problem on an ad hoc basis as it arises. However, FRA may propose such procedures in a future notice.

In consideration of the foregoing, Chapter II of Title 49, Code of Federal Regulations, is amended by the addition of the following:

Subpart A—General

Sec.
216.1 Application.
216.3 Definitions.
216.5 Delegation and general provisions.
216.7 Penalties.

Subpart B—Special Notice for Repairs

216.11 Special Notice for Repairs—Railroad Freight Car.
216.13 Special Notice for Repairs—Locomotive.
216.15 Special Notice for Repairs—Track Class.
216.17 Appeals.

Subpart C—Emergency Order—Track

216.21 Notice of track conditions.
216.23 Consideration of recommendation.
216.25 Issuance and review of emergency order.
216.27 Reservation of authority and discretion.

AUTHORITY: Secs. 3(e) and 9(e) of Pub. L. No. 89–670, 80 Stat. 931, 944 (49 U.S.C. 1652 (e), 1657(e)). 49 CFR 1.45(b), 1.49. Pub. L. No. 91–458, 84 Stat. 971; sec. 206, Pub. L. No. 93–633, 88 Stat. 2156 (45 U.S.C. 421, 431–441). Section 216.13 also proposed under 36 Stat. 913; 38 Stat. 1192; 43 Stat. 659; sec. 3, Pub. L. No. 85–135, 71 Stat. 352 (45 U.S.C. 22–34); Reorganization Plan No. 3 of 1965, 30 FR 9351, 79 Stat. 1320; sec. 6(e)(1)(E), Pub. L. No. 89–670, 80 Stat. 937 (49 U.S.C. 1655(e)(1)(E)).

Subpart A—General

§ 216.1 Application.

(a) This part applies, according to its terms, to each railroad which uses or operates a—

(1) Railroad freight car subject to Part 215 of this chapter; or

(2) Locomotive subject to the Locomotive Inspection Act (45 U.S.C. 22–34).

(b) This part applies, according to its terms, to each railroad owning track subject to Part 213 of this chapter.

§ 216.3 Definitions.

As used in this part—

(a) "FRA" means the Federal Railroad Administration.

(b) "State" means a State participating in investigative and surveillance activities under section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435).

(c) "Inspector" includes FRA Regional Supervisors of Inspectors.

§ 216.5 Delegation and general provisions.

(a) The Administrator has delegated to the appropriate FRA and State personnel the authority to implement this part.

(b) Communications to the Administrator relating to the operation of this part should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

(c) Inspectors issue notices prescribed under §§ 216.11, 216.13, 216.15 and 216.21 of this part by delivering them to an appropriate railroad officer or agent immediately responsible for the affected locomotive, car, or track.

§ 216.7 Penalties.

Each railroad that fails to comply with the requirements of a Special Notice issued under this part is subject to a civil penalty of $2,500 for each violation. Each day of each violation constitutes a separate offense.

Subpart B—Specialy Notice for Repairs

§ 216.11 Special Notice for Repairs—Railroad Freight Car.

(a) When an FRA Motive Power and Equipment Inspector or a State Equipment Inspector determines that a railroad freight car is not in conformity with the requirements of the FRA Freight Car Safety Standards set forth in Part 215 of this chapter and that it is unsafe for further service, he notifies the railroad in writing that the car is not in serviceable condition. The Special Notice sets out and describes the defects that cause the car to be in unserviceable condition. After receipt of the Special Notice, the railroad shall remove the car from service until it is restored to serviceable condition. The car may not be deemed to be in serviceable condition until it complies with all applicable requirements of Part 215 of this chapter.

(b) A railroad freight car subject to the Special Notice prescribed in paragraph (a) of this section may only be moved from the place where it is found to be unsafe for further service to the nearest available point where repairs of the character required can be safely and effectively accomplished, if the movement is necessary for that purpose. However, the movement is subject to the further restrictions of section 215.9 of this chapter.

§ 216.13 Special notice for repairs—locomotive.

(a) When an FRA Motive Power and Equipment Inspector determines a locomotive is not safe to operate in the service to which it is put, whether by reason of nonconformity with the FRA Locomotive Inspection Regulations set forth in Part 230 of this chapter or by reason of any other condition rendering the locomotive unsafe, he notifies the railroad in writing that the locomotive is not in serviceable condition. After receipt of the Special Notice, the railroad shall remove the locomotive from service until it is restored to serviceable condition. The locomotive may not be deemed to be in serviceable condition until it complies with all applicable requirements of Part 230 of this chapter and until all additional deficiencies identified in the Special Notice have been corrected.

(b) The carrier shall notify the FRA Regional Director of Railroad Safety in writing when the locomotive is returned to service, specifying the repairs completed. The carrier officer or employee directly responsible for the repairs shall subscribe this writing under oath.

§ 216.15 Special notice for repairs—track class.

When an FRA Track Inspector or State Track Inspector determines that track does not comply with the requirements of the FRA Track Safety Standards set forth in Part 213 of this chapter, for the class at which the track is being operated, he notifies the railroad in writing that the track is being lowered in class and that operations over that track must comply with the speed limitations prescribed in Part 213 of this chapter. The notice describes the conditions requiring the track to be lowered in class, specifies the exact location of the affected track segment, and states the highest class and corresponding maximum speeds at which trains may be operated over that track. After receipt of the Special Notice, the speeds at which trains operate over that track may not exceed the maximum permissible speeds stated in the notice until the track conforms to applicable FRA standards for a higher class of track.

§ 216.17 Appeals.

(a) Upon receipt of a Special Notice prescribed in § 216.11, 216.13, or 216.15 of this subpart, a railroad may appeal the decision of the Inspector to the FRA Regional Director of Railroad Safety for the region in which the notice was given. The appeal shall be made by letter or telegram. The FRA Regional Director assigns an inspector, other than the inspector from whose decision the appeal is being taken, to reinspect the railroad freight car, locomotive, or track. The reinspection will be made immediately. If upon reinspection, the railroad freight car or locomotive is found to be in serviceable condition, or the track is found to comply with the requirements for the class at which it was previously operated by the railroad, the FRA Regional Director or his agent immediately notifies the railroad, whereupon the restrictions of the Special Notice cease to be effective. If on reinspection the decision of the original inspector is sustained, the FRA Regional Director notifies the railroad that the appeal has been denied.

(b) A railroad whose appeal to the FRA Regional Director for Railroad Safety has been denied may, within thirty (30) days from the denial, appeal to the Administrator. After affording an opportunity for informal oral hearing, the Administrator may affirm, set aside, or modify, in whole or in part, the action of the FRA Regional Director.

(c) The requirements of a Special Notices issued under this subpart shall remain in effect and be observed by railroads pending appeal to a Regional Director for Railroad Safety or to the Administrator.

Subpart C—Emergency Order—Track

§ 216.21 Notice of track conditions.

(a) When an FRA Track Inspector or State Track Inspector finds track conditions which may require the issuance of an Emergency Order removing the track from service under section 203, Pub. L. No. 91-458, 84 Stat. 972 (45 U.S.C. 432), the Inspector may issue a notice to the railroad owning the track. The notice sets out and describes the conditions found by the Inspector and specifies the location of defects on the affected track segment. The Inspector provides a copy to the FRA Regional Track Engineer and the FRA Regional Director for Railroad Safety.

(b) In the event the railroad immediately commences repairs on the affected track and so advises the FRA Regional Track Engineer, the Regional Track Engineer assigns an Inspector to reinspect the track immediately on the completion of repairs. If upon reinspection the Inspector determines that necessary repairs have been completed, he withdraws the Notice of Track Conditions.

§ 216.23 Consideration of recommendation.

Upon receipt of a Notice of Track Conditions issued under section 216.21, the FRA Regional Director for Railroad Safety prepares a recommendation to the Administrator concerning the issuance of an Emergency Order removing the affected track from service. In preparing this recommendation, the FRA Regional Director considers all written or other material bearing on the condition of the track received from the railroad within three (3) calendar days of the issuance of the Notice of Track Conditions and also considers the report of the FRA Regional Track Engineer.

§ 216.25 Issuance and review of emergency order.

(a) Upon recommendation of the FRA Regional Director for Railroad Safety, the Administrator may issue an Emergency Order removing from service track identified in the notice issued under section 216.21.

(b) As specified in section 203, Pub. L. No. 91-458, 84 Stat. 972 (45 U.S.C. 432), opportunity for review of the Emergency Order is provided in accordance with section 554 of Title 5 of the United States Code. Petitions for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Upon receipt of a petition, FRA will immediately contact the petitioner and make the necessary arrangements for a conference to be held at the earliest date acceptable to the petitioner. At this conference, the petitioner will be afforded an opportunity to submit facts, arguments and proposals for modification or

withdrawal of the Emergency Order. If the controversy is not resolved at this conference and a hearing is desired, the petitioner must submit a written request for a hearing within fifteen (15) days after the conference. The hearing will commence within fourteen (14) calendar days of receipt of the request and will be conducted in accordance with sections 556 and 575, Title 5, United States Code.

(c) Unless stayed or modified by the Administrator, the requirements of each Emergency Order issued under this subpart shall remain in effect and be observed pending decision on a petition for review.

§ 216.27 Reservation of authority and discretion.

The FRA may issue Emergency Orders concerning track without regard to the procedures prescribed in this subpart whenever the Administrator determines that immediate action is required to assure the public safety.

Effective Date. This part becomes effective July 1, 1976.

Issued in Washington, D.C. on April 30, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-13129 Filed 5-5-76;8:45 am]

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

[Docket No. 71-19; Notice 4]

PART 567—CERTIFICATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars

This notice delays the effective dates of certain requirements of Standard No. 120, Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars, and of the conforming amendment to 49 CFR Part 567, Certification, that was issued along with the standard. Its purpose is to permit manufacturers to avoid the burden of preparation for compliance with requirements that the NHTSA has determined should be amended. There is no delay, however, in the standard's basic tire and rim selection requirements, which become effective September 1, 1976.

Standard No. 120 (49 CFR § 571.120) was issued on January 19, 1976 (41 FR 3478; January 23, 1976; Notice 3). It specifies requirements for tire and rim selection, rim marking, and the provision of tire and rim information on vehicle certification labels. Part 567, the certification regulation, was amended in the same FEDERAL REGISTER notice, to accommodate the additional labeling.

Manufacturers are expected to begin preparations for compliance with a standard at the time a final rulemaking notice is issued. Lead times are established in accordance with this expectation, despite the possibility of future amendments. Fifteen petitions for reconsideration of Standard No. 120 have been received. From the petitions and other information available to this agency, the NHTSA has determined that certain provisions of the standard should be amended. However, the agency finds it impracticable to respond to the petitions by May 24, 1976, the date by which a response would be expected under its policy regarding such responses (49 CFR Part 553, Appendix). The agency plans to respond to the petitions not later than July 1, 1976. Without a delay of certain effective dates, manufacturers would be forced to make preparations for compliance with requirements that will, in all likelihood, be changed.

Accordingly, this notice changes from September 1, 1976, to September 1, 1977, the effective date of the requirement, found in S5.3, that certain information appear on a vehicle's certification label. The effective date of the conforming amendment to Part 567, *Certification*, is similarly changed to September 1, 1977. The effective date of S5.2, *Rim Marking*, is changed from August 1, 1976, to August 1, 1977. The date by which vehicles must be equipped with rims that are marked in accordance with the standard, which is presently specified in S5.1.1 as March 1, 1977, is changed to September 1, 1979. The NHTSA is considering the possibility of eliminating this requirement entirely, to simplify the phase-in of properly marked rims as they become available.

Manufacturers should note that, apart from the changed effective date for the requirement in S5.1.1 that vehicles be equipped with properly marked rims, there is no delay in the September 1, 1976, effective date of the standard's basic requirement, S5.1, (*Tire and Rim Selection*).

The symbol "DOT" is required by S5.2 (c) to appear on every non-passenger-car rim manufactured on or after the effective date of the rim marking requirements, as a certification by the manufacturer of the rim that it complies with all applicable Federal motor vehicle safety standards. Several manufacturers have requested permission to begin stamping the symbol on rims that otherwise comply with the standard, before that effective date. In the past, the NHTSA has in similar situations taken the position that such use of the DOT symbol to indicate "anticipatory compliance" would necessarily be a false or misleading certification, because no standard would in fact be in effect at the time of its use.

The agency has determined that a limited relaxation of this principle will not adversely affect its enforcement authority, yet will both foster early compliance with impending requirements and ease manufacturer's difficulties in transition to new production procedures. Accordingly, the NHTSA will not consider the use of the symbol "DOT" on an item of motor vehicle equipment that is not subject to any applicable and effective standard to be "false or misleading" if the following conditions are met: (i) there has, as of the date of manufacture of the item of equipment, been issued as a final rule a Federal motor vehicle safety standard to which the item of equipment would, but for that date's being earlier than the standard's effective date, be subject; and (ii) the item of equipment meets all requirements set out in the standard as most recently published before the date of manufacture of the equipment. The NHTSA will continue to consider other, unauthorized uses of the symbol to be "false or misleading in a material respect" within the meaning of Section 108(a)(1)(C) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1398(a)(1)(C)).

This interpretation will permit the requested stamping that is discussed above. It will not permit the restamping, requested by several manufacturers, of previously manufactured rims that are in stock. These latter requests, however, are no longer of practical significance because of the other actions taken in this notice.

In consideration of the foregoing, the effective date of the amendment to 49 CFR Part 567, *Certification*, that was published on January 23, 1976 (49 FR 3478) is changed from September 1, 1976, to September 1, 1977, and the following changes are made to 49 CFR § 571.120 (Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars*):

§ 571.120 [Amended]

1. In S5.1.1, "March 1, 1977" is replaced by "September 1, 1979".

2. In S5.2 *Rim Marking*, "August 1, 1976" is replaced by "August 1, 1977".

3. In S5.3 *Certification label*, the expression "(For vehicles manufactured on and after September 1, 1977:)" is inserted before the first sentence.

Effective date: These changes in the text of the Code of Federal Regulations should be made immediately.

(Sec. 103, 112, 114, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegation of authority at 49 CFR 1.50.)

Issued on April 29, 1976.

ROBERT L. CARTER,
Acting Administrator.

[FR Doc.76-12914 Filed 4-29-76;3:24 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge

The following special regulation is issued and is effective on May 6, 1976.

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

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota, is permitted from May 1, 1976

through September 30, 1976, inclusive. The area open to fishing comprises 1050 acres, and is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions.

(1) Fishing at all times shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1976.

CHARLES S. PECK,
Refuge Manager,
Lake Ilo National Wildlife Refuge.

APRIL 28, 1976.

[FR Doc.76-13156 Filed 5-5-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 144—NATIONAL DEFENSE STUDENT LOAN PROGRAM

PART 175—COLLEGE WORK-STUDY PROGRAM

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS

Annual Revision of Sample Cases and Benchmark Figures

Notice is hereby given that the Commissioner of Education is revising Appendix A to § 144.14 of the National Direct Student Loan program regulations (45 CFR 144.14), § 175.17 of the College Work-Study program regulations (45 CFR 175.17) and § 176.13 of the Supplemental Educational Opportunity Grant program regulations (45 CFR 176.13) to establish sample cases and benchmark figures for academic year 1977–1978. These sections set forth procedures for as annual review and approval by the Commissioner of need analysis systems for dependent students for use in those programs. As a part of this review the Commissioner must publish a set of sample cases and benchmark figures. In order to be approved a system must generate expected parental contributions for at least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases.

Paragraph (b)(2)(v) of each of such sections requires the Commissioner to revise the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parental contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the FEDERAL REGISTER on October 21, 1975, as Appendix A at page 49273, and was used to approve need analysis systems for dependent students for academic year 1976–77.

Appendix A for 1976–1977 was calculated assuming that the rate of inflation for 1975 would be 10 percent. The actual rate of inflation during that time period was 7 percent. This difference has been taken into account in revising the new set of sample cases. Accordingly the cost of living adjustment for 1976 has been set at 4 percent rather than the 7 percent which would have been used had there been no error in the assumed rate of inflation for 1975. The asset reserve and the contribution rates published as paragraph (b)(2)(ii)(c) have, however, been increased by the full 7 percent rate of inflation now estimated for 1976, because 1975 is taken as the beginning point for those figures.

Appendix A, as set forth below, shall be effective immediately with respect to the approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1977–78 and with respect to the filing of institutional applications for Federal funds for that year pursuant to § 144.4, 175.13, and 176.5 of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1087, dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: April 29, 1976.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Appendix A to § 176.13 is added to read as set forth below:

§ 176.13 Approved need analysis systems.

* * * * *

APPENDIX A

Net assets	$10,000				$20,000				$30,000				$40,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
$8,000	100	0	0	0	360	70	0	0	620	330	70	0	890	600	340	130
$12,000	690	410	150	0	950	670	410	210	1,200	930	670	470	1,620	1,230	940	740
$16,000	1,380	1,040	780	580	1,770	1,360	1,050	850	2,230	1,740	1,380	1,130	2,780	2,190	1,760	1,470
$20,000	2,360	1,850	1,480	1,230	2,930	2,380	1,880	1,590	3,490	2,890	2,370	2,010	4,050	3,460	2,940	2,530
$24,000	3,580	2,990	2,480	2,110	4,140	3,500	3,040	2,640	4,700	4,120	3,610	3,210	5,270	4,680	4,170	3,770

NOTE: The figures above are parental contribution figures which assume:

1. Two parents, one with income.
2. One dependent in postsecondary education as an undergraduate student.
3. No business and/or farm assets.
4. Age of main wage earner is equal to 45 years.
5. 1975 U.S. income tax schedules; joint return, standard deduction.
6. No social security benefits for education.
7. No unusual medical, dental, casualty, theft expenses.
8. No other unusual circumstances.

[FR Doc.76-13053 Filed 5-5-76;8:45 am]

PART 160b—PROGRAM FOR THE GIFTED AND TALENTED

Assistance to Special Education Projects

Pursuant to Section 404 of Pub. L. 93–380 (20 U.S.C. 1863, "section 404"), a notice of proposed rulemaking was published in the FEDERAL REGISTER on July 22, 1975 (40 F.R. 30662–30670) setting forth a proposed regulation to add a new Part 160b to title 45 of the Code of Federal Regulations.

The proposed regulation set forth proposed rules and criteria for governing the award of grants and contracts by the Commissioner of Education in order to provide Federal assistance for programs and projects to meet the special educational needs of the gifted and talented.

Interested persons were given thirty (30) days in which to submit written comments, suggestions, or objections regarding the proposed regulation. Approximately 20 letters or written communications were received setting out approximately 65 separate comments. In addition to written comments, oral comments were received from participants in a series of five regional meetings held throughout the country during September for the purpose of explaining the operation of the program. Over 200 persons attended these meetings. Approximately 60 comments were directed to the text of the regulation during these meetings. Substantive comments on the regulation have been carefully reviewed by the Commissioner and are responded to in this preamble. Summaries of the comments on the proposed regulation are set forth below on a section by section basis, together with responses explaining the changes that have been made in the final regulation engendered by the comment, or indicating why no changes were deemed appropriate. A genuine effort has been made to be fully responsive to the comments, in keeping with the Commissioner's understanding of the program purpose and his commitment to use Federal resources available for the program in a manner which will maximize that purpose.

Many of the comments raised questions as to the intended meaning of provisions in the proposed regulation and indicated a need for further clarification. The Commissioner has sought to provide additional clarification or interpretation in response to these questions

and comments in the preamble as well as in the body of the regulation. Prospective applicants and others interested in the program are therefore invited to review the preamble carefully.

A. *Summary.* 1. *Purpose of the regulation.* Section 404 of Pub. L. 93–380 establishes a new program of assistance for programs and projects to meet the special educational needs of gifted and talented children and youth. The purpose of this regulation, which constitutes a new part 160b in title 45 of the Code of Federal Regulations, is to establish basic rules for the conduct of this new Federal program. The statute is silent on certain matters which the applicant must know in order to compete for an award under the program, including activities for which funds will be awarded, application and proposal requirements, and the criteria and standards by which applications and proposals will be judged. The regulation sets forth rules regarding these matters for the guidance of applicants and the general public.

2. *Major Provisions.* The following paragraphs summarize major provisions of the regulation.

a. *Definition of gifted and talented.* Section 160b.2 of the regulation contains the definition of gifted and talented which will be used in the administration of the program. "Gifted and talented" are defined as children or youth, who have been identified at the preschool, elementary, or secondary level as (1) possessing demonstrated or potential intellectual, creative, or specific academic abilities, or leadership capability, or talent in the performing or visual arts, and (2) needing differentiated education or services beyond those being provided by the regular school system to the average student in order to realize these potentialities. This definition is not set forth in the Act but is derived from the Report on the Gifted and Talented made by the U.S. Commissioner of Education to Congress in 1971, and published by the Senate Committee on Labor and Public Welfare in March 1972 as a Committee Print (pp. 2 and 10). The definition was formulated in compliance with a statutory mandate set out in section 806 of Pub. L. 91–230, requiring the Commissioner to define gifted and talented children in accordance with objective criteria and to report to Congress on the need of special education programs to assist them. Section 404 was enacted to meet the needs outlined in that report (Sen. Rept. No. 93–763 at 71).

b. *Identification and assessment.* Included in Subpart A of the regulation is section 160b.3 which sets forth general requirements which all gifted and talented programs assisted under the Act must meet. Among these are provisions relating to procedures for identification and assessment of gifted and talented children and youth by the applicant serving them. As revised, the regulation provides that these procedures must be comprehensive enough to identify and assess all children who might by included in the category of gifted and talented in the area to be served by the program or project. Possible categories for which programs and projects for the gifted and talented might be designed embrace one or more such areas as: general intellectual ability; specific academic aptitude; creative or productive thinking; leadership ability; talent in visual or performing arts; or superior psychomotor ability. Identification of students within such a category must be accomplished by multiple methods of identification. These methods include, but are not limited to, teacher nominations, peer nominations, intelligence tests, and achievement tests. As an example, where a local educational agency wishes to provide a program to meet the special educational needs of students talented in the visual and performing arts, the school district must use procedures designed to identify all gifted and talented children in that category in the area to be served by the program or project through the use of appropriate multiple means of identification such as those suggested in § 160b.3(b)(1)(ii). Children who might be identified as gifted or talented for purposes of a program or project having a different focus, e.g. mathematical ability, need not be included in the scope of the procedures employed for identifying those talented in the visual or performing arts.

c. *Differentiated education.* Section 160b.3(b)(2) requires that programs or projects involving an instructional component must provide differentiated education or services to the participating students. Differentiated education or services, as defined in § 160b.2 means that process of educational instruction which is adaptable to varying levels of individual learning response, and includes, but is not limited to, instructional strategies which accommodate the unique learning styles of the gifted and talented, and flexible administrative arrangements for instruction both in and out of school, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, library media research centers, research field trips, and other appropriate arrangements. This concept is also derived from the Study of the Gifted and Talented done by the U.S. Commissioner of Education in 1971 and submitted to Congress as his Report on the Education of the Gifted and Talented (p. 11).

d. *Grants to SEAs and LEAs.* Subpart C of the regulation contains provision for assistance to State educational agencies and local educational agencies.

Section 160b.22 provides assistance to State educational agencies for projects encompassing Statewide activities, in-service teacher training programs (as described in Subpart D), and one or more local educational agency demonstration projects having Statewide agency administration. Under the regulation, priority points will be given where a State consolidates all three of these components in a single application.

Section 160b.23 governs the award of financial assistance under section 404 to local educational agencies for the establishment or improvement of locally based projects or programs for the gifted and talented. Priority is provided to applications demonstrating exemplary programs or projects that have a significant potential for replicability, or which by their nature will serve as a stimulus or catalyst for other programs, projects or activities, thus building capacity at the local level, or stimulating the development of capacity elsewhere to serve the gifted and talented. A revision has been made to the regulation to require periodic reassessment of all students in the area of the program or project to determine their selection for participation in such special classes. This provision, together with the requirement for use of multiple means of identification in selecting gifted and talented students should guarantee the selection of gifted and talented children from all levels of American society.

It is anticipated that only a limited number of exemplary programs or projects under this section will be assisted in the range of $1,000–$20,000. Since the funding available to the Office of Education is very limited in light of the anticipated number of grant applications expected, only applications showing promise of a high level of impact and replicability can hope to be funded.

e. *Leadership personnel training.* While the statute enumerates several categories of leadership personnel to whom training may be provided, it is silent on the type of training to be provided such personnel. The regulation proposes that this training be carried out along three separate levels: a graduate training program; a leadership training institute; and a program of specialized interships. Only one grant will be made in each of these categories. In order to derive the highest benefit from the Federal funds invested in each of these programs, each application should demonstrate that the program for training leadership personnel proposed in the application will not only assist the personnel involved, but will be directed toward trainees whose training will have an impact throughout the nation in the education of the gifted and talented. (§§ 160b.41–160b.42(b)).

f. *Communications network.* Subpart B of the regulation provides that the Commissioner may enter into contracts to develop and disseminate information to the public pertaining to the education of gifted and talented children and youth. These projects may be targeted, as the Commissioner shall set forth in his request for proposals, to such groups as teachers, counselors, parents, administrators, school psychologists, and gifted and talented students.

g. *Model projects.* The Commissioner is also authorized to enter into contracts with public and private agencies to establish and operate model projects targeted toward special categories of the gifted and talented such as bilingual, handicapped, and migratory. (Subpart F of the regulation). The regulation sets forth characteristic elements, each of which a model project must to some extent embody (§ 160b.53): meeting the needs of a particular subgroup of a spe-

cial category of the gifted and talented; demonstrating thorough knowledge of existing research practice and theory in relation to the defined subgroup in particular; showing a unique relationship to the target population to be addressed; demonstrating awareness of the optimal use of available resources; employing models and strategies that can be generalized for similar target populations; employing applied research measurement methods with provision for formative and summative evaluation; providing for site visits, demonstrations, and the like; and demonstrating input from parents and community organizations.

3. *Public reaction to the proposed regulation.* The overall reaction to the proposed regulation was quite favorable. A number of commenters expressed satisfaction that a long neglected group of students was finally being accorded consideration by the Federal government. They expressed the hope that the impetus to meeting the special educational needs of the gifted and talented now being given on the Federal level would result in an even wider adoption of programs for the gifted and talented at the State and local educational level. They voiced the comment that the regulation, as proposed, was generally well structured to accomplish this objective. In a number of instances they pointed out areas of concern in the proposed regulation, mostly of a minor nature, and suggested technical amendments that would strengthen those areas of the regulation.

Major suggestions received from the public commenters included making the use of multiple means for identification of gifted and talented children and youth a mandatory requirement, applicable in all programs and projects under the Act in which selection of gifted and talented children and youth occurs; greater emphasis on testing and inclusion of children and youth from all levels of American society in order to prevent the institution of a "tracking system" in the guise of establishing a program or project to meet the special eductaional needs of the gifted and talented; and inclusion of amendments to make explicit that not only a local educational agency or a State educational agency but also consortia or combinations thereof are considered eligible applicants for grant awards under the Act.

4. *Organization of regulation.* The regulation sets forth rules and criteria governing contract and grant awards made by the Commissioner for programs and projects for meeting the special educational needs of gifted and talented children and youth under five categories of program support set forth in section 404 of Pub. L. 93-380. Section 404 authorizes:

(1) Contracts for the development and dissemination to the public of information pertaining to the education of the gifted and talented (Subpart B of the regulation);

(2) Grants to State and local educational agencies for planning, development, operation, and improvement of programs and projects designed to meet the special educational needs of the gifted and talented, including children and youth attending nonpublic schools (Subpart C of the regulation);

(3) Grants to State educational agencies for training teachers of the gifted and talented, and their supervisors (Subpart D of the regulation);

(4) Grants to institutions of higher education or other nonprofit agencies or organizations for leadership personnel training (Subpart E of the regulation); and

(5) Contracts with public or private agencies to support model projects for the identification and education of specially targeted groups of gifted and talented children and youth (Subpart F of the regulation).

In addition the regulation also contains, in Subpart A, general provisions applicable to all awards funded under the program, including, in particular, the definitions of "gifted and talented" and of "differentiated education" as used in the regulation as well as a requirement for use of multiple methods for identification of the gifted and talented, all of which are derived from the study done by the Commissioner of Education in 1970-71, and published as the Commissioner's report on the "Education of the Gifted and Talented" (Sen. Comm. on Labor and Public Welfare, Committee Print, 1972).

B. *Detailed summary of comments and responses thereto; changes in the regulation.*

The following comments were submitted to the Office of Education regarding the proposed regulation. After the summary of each comment, a response is set forth indicating changes which have been made in the regulation or the reasons why no change is deemed necessary. The comments are arranged in the order of sections of the final regulation.

§ 160b.2 Definitions. (1) *Comment.* A number of commenters suggested inclusion of a definition of "local educational agency" that was broad enough to include public agencies performing services for several local educational agencies. Other commenters suggested that the term "local educational agency" be broadened to include nonprofit groups whose purpose is to perform services for local elucational agencies, particularly in the area of the education of the gifted and talented.

Response. A definition of "local educational agency" has been included in § 160b.2.

The term "local educational agency" as defined in the proposed regulation for the Special Projects Act (45 CFR Part 160) is applicable to this regulation by cross-reference, since the Program for the Gifted and Talented is one of the programs that participate in funds authorized and appropriated under the Special Projects Act. The definition is derived from the Elementary and Secondary Education Act. (20 U.S.C. 881(f)). It has been set out in full in this regulation for the convenience of the readers. A "local educational agency", under the definition, may be any public board of education or other public authority legally constituted within a State for either administrative control or direction, or to perform a service function for public elementary or secondary schools in a school district or other political subdivision in a State created for that purpose, or any combination thereof. It does not include an individual public elementary or secondary school, or any nonprofit private organization performing a service function for a school district. Nothing in the regulation, however, precludes a local educational agency from obtaining the services of a nonprofit private organization by contract in carrying out a project or program for the education of the gifted and talented, or proposing to use a particular elementary or secondary school as the site for carrying out some aspect of an exemplary program for the education of the gifted and talented.

(2) *Comment.* A commenter stated that the contributions of school libraries and library specialists as a resource in the education of the gifted and talented, while mentioned in the Commissioner's report, were omitted from the regulation.

Response. Section 160b.2 has been amended to include references to these services and personnel in the illustrative categories contained in the definitions of "differentiated education" and "State and local educators".

(3) *Comment.* A number of commenters pointed out that school psychologists should be included in the definition of leadership personnel because these persons play a major role in the identification of gifted and talented students.

Response. Section 160b.2 has been amended to include "school psychologists" within the definition of the term "leadership personnel."

(4) *Comment.* A commenter suggested that teachers not be excluded from the definition of "leadership personnel" in the regulation so that teachers may also participate in the training offered.

Response. Amendment has been made to the definition of "leadership personnel" in § 160b.2 to implement this suggestion.

The statute provides for two types of training: (1) training of teachers engaged in the education of the gifted and talented and their supervisors through grants to States (Section 404(d)); and (2) training of leadership personnel through grants to institutions of higher education and other nonprofit agencies (Section 404(e)). The statutory emphasis is on the institution providing the training and the type of training provided. A teacher may choose to participate in either category of training, depending on the teacher's personal objective in taking the training and his or her acceptance into the training course. To remove all confusion on this point, the phrase "other than teachers" has been deleted from the definition of leadership personnel.

§ 160b.3 General Requirements. (5) *Comment.* A number of commenters suggested that the provision for identification of the gifted and talented be strengthened to make the use of multiple

methods of identification mandatory, to make methods other than intelligence testing equally acceptable as intelligence testing as a procedure for identification of gifted and talented children and youths, and to prohibit the exclusion of any child in any program funded under the Act on the basis of the use of one method of identification only.

Response. Amendments have been made to § 160b.3 of the regulation to incorporate these comments.

(a) Section 160b.3(b)(1)(i) has been amended to require the use of multiple means of identification in the selection of all children included in one or more of the categories of gifted and talented in the area to be served by the program or project assisted under the Act. The comment was in line with the thought expressed in the Commissioner's Report to Congress (p. 29), and buttresses the intent of the regulation to assure both the identification of all children and youth who have special gifts and talents and their participation in programs and projects designed to encourage full developments of these gifts and talents.

(b) Section 160b.3(b)(1)(ii) has been amended to provide that the selection of the gifted and talented for inclusion in any program or project shall be made by use of at least two acceptable means of identification. Intelligence testing is noted as one of the possible means of identification but the testing and identification procedures used need not be limited to, or even include, intelligence testing, provided multiple, acceptable methods for identifying those children or youth for participation in the proposed program or project are employed. This will provide an additional chance to qualify to every child who has not qualified under the first testing.

(c) To further assure maximum participation in programs and projects supported under the Act, § 160b.3(b)(1) is further amended by adding subdivision (iii) to prohibit the exclusion of any child from a program or project funded under the Act on the basis of one method of identification only.

(6) *Comment.* One commenter requested more specificity in the categories of gifted and talented children included within the scope of the project, as, for instance, a mention of the handicapped.

Response. A specific reference to the handicapped has been included in § 160b.3(b)(7), setting forth the requirement for scope of participation. Inclusion of a reference to the handicapped in this provision will govern direct consideration of their participation not only in State and local educational projects, but in model projects supported by contract, and their indirect consideration in training programs for teachers and leadership personnel.

(7) *Comment.* Another commenter requested inclusion of a requirement that the project or program should generally reflect the racial, economic, and language factors of the community served, unless a specific request is made to target the program or project on any one subcategory of gifted and talented children or youth in the community.

Response. While the regulation has not been amended specifically to reflect the comment, § 160b.3(b)(7) has been amended to corporate the ruling set forth in *P. v. Riles*, 343 F. Supp. 1306, 502 F. 2d 963 (9th Cir. 1974), that any applicant must be able to demonstrate a rational connection between any tests given and the purpose of the program; in this instance, the identification of the category of gifted and talented within the area to be served by the program or project.

(8) *Comment.* One commenter suggested that the definition of gifted and talented be changed to limit "superior psychomotor ability" to psychomotor ability as demonstrated in the visual or performing arts only.

Response. No change has been made in the regulation.

The definition included in the regulation is derived from the definition in the Commissioner's Report to Congress. This definition was the result of a survey of experts in the field of the education of the gifted and talented. Their concept was that psychomotor ability was an evidence of talent in other fields such as sports, as well as the visual or performing arts.

(9) *Comment.* One commenter suggested that the provision for maintenance of level of support in § 160b.3(b)(4) should be amended to apply to a local educational agency carrying out a program under a State proposal funded under this part. (See § 160b.22). Otherwise the Federal funds could conceivably be used to supplant local moneys formerly expended on such a program.

Response. Section 160b.22(b)(3) has been amended to make this clear and emphasize it.

Section 160b.3(b)(4) applies to all applications for funding under the Act. It requires that any application contain an assurance that any funds received from the Federal government for the program or project should supplement and not supplant funds from other sources presently employed in the project. Such an assurance from a State agency proposing to carry on a demonstration project with the aid of a local educational agency would mean that the State application sets forth the fact that such a program or project, if presently in existence and receiving non-Federal funding, would continue to receive this funding, and that the Federal funding requested by the State educational agency would supplement but not supplant this other funding.

§ 160b.4 Duration of projects. (10) *Comment.* One commenter proposed that the provision contained in § 160b.4(c)(2)(ii)(D) concerning one of the determinations for renewal of a grant be included in § 160b.1 rather than in § 160b.4. The commenter felt that the phrase "in the best interests of the government" seems to provide a possible basis for revocation of grant monies and should be explained to avoid misunderstanding by those applying for funding.

Response. No change has been made in the regulation. The phrase in the context in which it is now placed, puts the applicant on notice that four basic determinants will govern the award of continuation funds, one of which is whether the continuation would be in the best interests of the government. This determination does not imply the revocation or termination of any existing grant, but merely makes explicit that the grantee has no claim on continuation funds (which are to be awarded on a competitive basis) and that the decision to grant Federal assistance for continuation purposes lies in whether the Government determines, as one factor, whether a continuation award would be advantageous in light of the whole program. The three other factors for judgment relate to the project itself; at this point, the benefit to the government is decided.

§ 160b.6 General educational and programmatic criteria. (11) *Comment.* One commenter proposed that § 160b.6(b)(1) be amended to provide that an application, in showing that it has identified the special educational needs of the gifted and talented, demonstrate that the gifted and talented population which have been identified proportionately reflect the racial, ethnic and economic composition of the school district as a whole.

Response. No amendment has been made to the regulation specifically to incorporate this comment. However, as noted in the response to comment 5, the provision for identifying the gifted and talented has been amended and strengthened to assure that all children eligible to participate will be adequately tested for participation in programs and projects assisted under the Act.

§ 160b.11 Information services. (12) *Comment.* A number of commenters requested the inclusion of additional groups of persons involved in the education of the gifted and talented to whom information in this field would be disseminated, and one commenter pointed out that needs for information fluctuate from time to time and the target groups were narrowly set.

Response. The Commissioner is in agreement with both these comments and has revised the regulation accordingly.

Section 160b.11(d), as amended, permits the Commissioner to enlarge the categories of target groups beyond those in the illustrative list, and to set out such target groups as he determines in his request for proposals.

(13) *Comment.* A commenter pointed out that Subpart B does not set forth any criteria for evaluation of proposals.

Response. No change has been made in the regulation.

The criteria for evaluation of proposals under this subpart will be contained in a Request for Proposals (RFP), issued by the Commissioner of Education.

(14) *Comment.* A commenter suggested that provision be made for the

dissemination of information, about the success of projects and programs funded under the Act.

Response. Section 160b.11(a) has been amended to permit this. The new subparagraph (4) added to § 160b.11(a) will permit this type of information to be disseminated, whenever the Commissioner determines it would be appropriate to issue requests for contract proposals for dissemination of this information.

§§ 160b.21 and 160b.22 Assistance to State educational agencies. (15) *Comment.* One commenter pointed out that neither in 45 CFR Part 100, nor in 45 CFR Part 160, is there a definition of "State agency" which is broad enough to include combinations or consortia of State agencies.

Response. Technical amendments have been made to make this explicit.

The General Provisions Regulations, which govern all programs administered by the Office of Education including the Program for the Gifted and Talented, provide in 45 CFR 100a.19, that eligible applicants may enter into cooperative arrangements with other eligible applicants in applying for assistance. Thus, any consortium of States could file an application for an award to carry on a demonstration project, a teacher training project, or other project having multi-State impact. As in the case of the definition of local educational agency (see Comment 1), since this was not apparent in the regulation for the Program for the Gifted and Talented, technical amendments have been made in § 160b.2 to make this possibility explicit.

§ 160b.23 Grants to local educational agencies for locally based activities. (16) *Comment.* A number of commenters wanted clarification of what was involved in the statutory requirement that a local educational agency give assurance to the Commissioner that it has submitted its application to a State educational agency for comment, especially as to whether the State educational agency could exercise a veto power.

Response. An amendment has been made to § 160b.23 in response to this comment.

The amendment provides that a State may submit such comments as it deems pertinent to the U.S. Commissioner of Education within 30 days of receipt of the application from a local educational agency. The statutory provision, that the Commissioner may not approve an application from a local educational agency unless that agency gives assurance that it has submitted its application to the State agency, was reflected in the notice of proposed rulemaking by requiring the local educational agency to submit a copy of its application to the State agency at the same time that it submitted the application to the Commissioner. Compliance with this provision is legally sufficient. However, for clarification hereafter, the regulation has been amended to allow the State agency 30 days to provide the Commissioner with the comments it desires to make. The statute does not bind the Commissioner to concur in negative comments from the State and reject an otherwise acceptable application from a local educational agency.

(17) *Comment.* A number of commenters suggested that institutions of higher education, as well as local educational agencies, be required to submit their applications to the State educational agencies for review and comment.

Response. No change has been made in the regulation.

Section 404 of Pub. L. 93–380 provides for State educational review of applications from local educational agencies only. However, a list of grant awards made to nonprofit agencies and institutions within the State will be furnished to the State educational agency.

(18) *Comment.* A number of commenters expressed concern that establishment of special classes by local educational agencies would lead to "tracking" which could work to the detriment of minority and other disadvantaged children and youth.

Response. As stated previously, the amendments made to § 160b.3(b)(1), which are explained in the response to comment 5 above, are designed to address the concerns raised by these commenters.

(19) *Comment.* A number of commenters requested that a local educational agency exemplary project be permitted to include a teacher training component.

Response. A change has been made in § 160b.23(c) of the regulation to respond to this comment.

Incidental teacher training could be a necessary, even if minor, component of a local educational agency exemplary program or project. In fact, it has been expected that incidental related training would be included in an application, where appropriate. To make this explicit, and yet to allow local educational agencies to include this training or not, as the project design requires, § 160b.23(c) has been amended to allow costs for such training, where it is in-service and related to the proposed project.

§ 160b.24 Criteria for evaluating applications of local educational agencies. (20) *Comment.* One commenter suggested that representatives of nonpublic schools, whose pupils are statutorily authorized to be participants in programs and projects carried on by State or local educational agencies under the Act, have a positive role in developing the applications for these programs and projects.

Response. An amendment has been made to § 160b.23(c) of the regulation to provide for greater involvement of nonpublic representatives.

Section 160b.23(c)(3) of the regulation, as published in the Notice of Proposed Rulemaking, required that applications from local educational agencies provide that, if assistance is made available, the applicant will set up an advisory committee representative of persons or groups concerned with the program or project for the gifted and talented supported under the Act. This provision has been amended to list representatives from nonpublic schools among those who may serve on the advisory committee. It is at the level of demonstration and exemplary programs and projects that nonpublic school children will be most likely to participate, and representatives of these schools constitue a concerned class of persons who may be included on the advisory committee.

§ 160b.51 et seq. Model Projects. (21) *Comment.* A number of commenters suggested that Model Projects should not be restricted to serving specific sub-populations of the gifted and talented, but should cover a wider range of objectives.

Response. No change has been made in the regulation.

Subsection (g) of section 404 of Pub. L. 93–380 authorizes model projects for the identification and education of gifted and talented children including special categories, such as bilingual, handicapped children, and educationally disadvantage children. Funds for establishment and operation of model projects are statutorily limited to 15 percent of amounts expended under the Act. In order to be in compliance with the statutory intent of this subsection of the Act and to make maximum use of limited funds for capacity building in specific areas, the regulation limits model projects to serving specific sub-groups of the gifted and talented.

(22) *Comment.* A number of commenters from areas where there are active community and other private organizations concerned with the education of the gifted and talented requested that the input from such organizations be recognized as a part of a model project.

Response. Section 160b.53 has been amended to incorporate the comment. This section lists elements of a model project. An additional element has been added, namely, that a model project demonstrate contributions from parents of target group students and concerned community organizations.

General. (23) *Comment.* Several commenters recommended that the regulations require equal participation by both sexes in programs for the gifted and talented.

Response. No change has been made in the regulation.

The participation of students will be dependent on the identification procedures utilized to determine potential or demonstrated ability and need for differentiated educational services. No distinction is to be made by sex in this identification procedure. The Program for the Gifted and Talented, as all programs of Federal financial assistance, will be subject to Title VI of the Civil Rights Act, Title IX of the Educational Amendments of 1972, and corresponding regulations which prohibit discrimination.

(24) *Comment.* A number of commenters recommended that the distribution of funds be changed so that only activities related to training and capacity building be funded.

Response. No change has been made in the regulation.

If it was the intent of these commenters that only the grant activities under Subparts C, D, and E be funded, the Commissioner is unable to accede to their suggestions.

(25) *Comment.* The comment was made that more funds should be allocated to local educational agencies.

Response. Same response as to comment (19).

(26) *Comment.* A number of commenters recommended that the regulation permit the establishment of enrichment centers and other such provisions which supplement the regular school program.

Response. No change has been made in the regulation.

However, while not spelled out in the regulation, for the reason that such particularity would limit rather than further innovation, applications for such programs may be considered under the regulation.

(27) *Comment.* A number of commenters wanted a more detailed breakdown of the points used by the field readers in evaluation of applications.

Response. No change has been made in the regulations.

In drafting the regulation, recognition was given to the need to preserve an appropriate degree of flexibility to program applicants to design and administer projects which they have fashioned. The regulation has set broad parameters within which applicants retain freedom to fashion innovative proposals. It is believed that the criteria are sufficiently specific and that adequate guidance is given as to the weight assigned each criterion.

(28) *Comment.* One commenter recommended that institutions of higher education be allowed to expend funds for additional faculty.

Response. No change has been made in the regulation.

Because of the limitations of funds, it is expected that project costs to be funded under the Act will be limited to incremental costs of establishing and carrying on the program or project, and that such incremental costs will be justified in the application. Such costs may include faculty costs, where so justified.

C. *Other changes.* Typographical and editorial corrections and certain technical changes for clarification and consistency have been made.

Assistance provided under this program is subject to the provisions in the governing legislation as well as the provisions of Part 160 of this chapter. Assistance under this program is also subject to applicable provisions of Subchapter A of this chapter (see, in particular, 45 CFR Part 100a) and Appendices thereof.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding a new Part 160b to read as set forth below:

Effective date: Pursuant to Section 431(d) of the General Education Provision Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions thereof concerning congressional action and adjournment.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.562, Program for the Gifted and Talented)

Dated: February 29, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 27, 1976.

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

Chapter I of Title 45 is amended by adding the new Part 160b to read as set forth below.

PART 160b—PROGRAM FOR THE GIFTED AND TALENTED

Subpart A—General

Sec.
160b.1 Purpose and scope.
160b.2 Definitions.
160b.3 General requirements.
160b.4 Duration of projects.
160b.5 Pre-applications.
160b.6 General educational and programmatic criteria.
160b.7 Allowable costs.

Subpart B—Information Services

160b.11 Information development and dissemination.

Subpart C—Assistance to State and Local Agencies for Planning, Development, Operation, and Improvement of Programs

160b.21 General.
160b.22 Grants to State agencies, Statewide activities.
160b.23 Grants to local educational agencies, locally based activities.
160b.24 Criteria for evaluation of applications.
160b.25 Participation of students in nonpublic schools.

Subpart D—Training of State and Local Educators

160b.31 Grants for State Training Projects.
160b.32 Criteria for awards.
160b.33 Allowable costs.

Subpart E—Leadership Personnel Training

160b.41 Grants for leadership personnel training.
160b.42 Grant activities.
160b.43 Graduate training program for leadership personnel.
160b.44 Training institute for gifted and talented.
160b.45 Internships.
160b.46 Criteria for awards.

Subpart F—Model Projects

160b.51 Contracts for model projects.
160b.52 Eligible applicants.
160b.53 Elements of a model project.
160b.54 Criteria for awards.

AUTHORITY: Section 404, Pub. L. 93-380; 20 U.S.C. 1863.

Subpart A—General

§ 160b.1 Purpose and scope.

(a) *Purpose.* Section 404 of Pub. L. 93-380 (20 U.S.C. 1863) provides a program of grants and contracts to support the education of gifted and talented children and youth through:

(1) The development and dissemination to the public of information pertaining to the education of gifted and talented children and youth (§ 404(b));

(2) Grants to State and local educational agencies for the planning, development, operation, and improvement of programs and projects designed to meet the special educational needs of the gifted and talented at the preschool, elementary, and secondary school levels (§ 404(c));

(3) Grants to State educational agencies for training personnel engaged, or preparing to engage, in educating the gifted or talented or as supervisors of such personnel (§ 404(d));

(4) Grants to institutions of higher education or other appropriate nonprofit agencies for training leadership personnel in the education of the gifted and talented (§ 404(e)); and

(5) Contracts with public and private agencies for the establishment and operation of model projects for the identification and education of the gifted and talented (§ 494(g)).

(b) *Scope.* This part applies to projects assisted with funds appropriated pursuant to Section 404 of Pub. L. 93-380, or with funds made available for expenditure under Section 404 pursuant to the Special Projects Act by Section 402 of Pub. L. 93-380.

(c) *Other pertinent regulations.* Assistance under this part is subject to applicable provisions contained in (1) subchapter A of this chapter, relating to fiscal, administrative, property management, and other matters (45 CFR Parts 100, 100a), and (2) Part 160 of this chapter, relating to the Special Projects Act.

(20 U.S.C. 1851, 1863)

§ 160b.2 Definitions.

(a) "Act means Section 404 of the Education Amendments of 1974 (Pub. L. 93-380), relating to assistance for the education of the gifted and talented.

(20 U.S.C. 1863)

(b) "Differentiated education or services" means that process of instruction which is capable of being integrated into the school program and is adaptable to varying levels of individual learning response in the education of the gifted and talented and includes but is not liimted to:

(1) A differentiated curriculum embodying a high level of cognitive and affective concepts and processes beyond those normally provided in the regular curriculum of the local educational agency;

(2) Instructional strategies which accommodate the unique learning styles of the gifted and talented; and

(3) Flexible administrative arrangements for instruction both in and out of school, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, research field trips, library media research centers and other appropriate arrangements.

(20 U.S.C. 1863, U.S. Commissioner of Education's Report on "Education of the Gifted and Talented," pp. 11 and 28 (Sen. Comm. on Labor and Public Welfare, Comm. Print, 1972, hereinafter "Comm. Print.")]

(c) "Gifted and talented" means children and, where applicable, youth, who are identified at the preschool, elementary, or secondary level as (1) possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability or in the performing and visual arts; and (2) needing differentiated education or services (beyond those being provided by the regular school system to the average student) in order to realize these potentialities.

(20 U.S.C. 1863, Comm. Print (1972) 10–11)

(d) "Instructional equipment" means those items of equipment and accompanying learning materials unique to and necessary for the operation of differentiated educational programs or special educational services for gifted and talented students which do not duplicate existing items.

(20 U.S.C. 1863(c)(3))

(e) "Leadership personnel", for the purposes of subpart E, includes, but is not limited to, teacher trainers, school administrators, supervisors, researchers, State consultants, school psychologists and other persons engaged in directing or providing services to the gifted and talented children and youth. These persons may also include potential leaders who represent parental, organizational, and other community and professional interests in the education of the gifted and talented.

(20 U.S.C. 1863(e))

(f) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary school.

(20 U.S.C. 881(f))

(g) "Non-public elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education beyond grade 12), and which are controlled by other than a public agency.

(20 U.S.C. 1863(c)(2)(A)(iii))

(h) "State and local educators", for the purposes of subparts C and D, includes persons engaged in or preparing to be engaged in the education of the gifted and talented, such as teachers, counselors, library media specialists, or first line supervisors.

(20 U.S.C. 1863(d))

(i) "State educational agency" for purposes of subparts C and D means any State educational agency, or any consortium of such agencies that have entered into a cooperative agreement for carrying out programs or projects under these subparts on a multi-State basis.

§ 160b.3 General requirements.

(a) *Scope.* Each application under this part is subject to the requirements described in paragraph (b) as well as the requirements contained in the particular subpart pursuant to which such application is submitted. Applications for assistance under this part must contain information sufficient to enable the Commissioner to determine that the requirements are satisfied with respect to the program or project for which assistance is requested in the application. Applications not meeting these requirements will not be subject to further evaluation under this part.

(b) *Requirements.* (1) *Procedures for identification and assessment of gifted and talented.* (i) In the case of any program or project under this part which involves the provision of services to the gifted and talented, the procedures for identification and assessment of the gifted and talented must be sufficiently comprehensive to identify and assess all children who are in the category (or categories) of gifted and talented children (as defined in § 160b.2) addressed by the program or project and who are in the area to be served by the program or project.

(ii) Such identification shall be accomplished by the use of multiple methods which shall include at least two acceptable procedures (such as teacher nominations, measures of creativity, peer nominations, intelligence tests, evaluations adapted to the cultural norm or other predictive measures) related to the specified category (or categories) of gifted and talented to be served by the program or project. A specified category of the gifted and talented may be:

(A) General intellectual ability,
(B) Specific academic aptitude,
(C) Creative or productive thinking,
(D) Leadership ability,
(E) Talent in visual and performing arts,
(F) Superior psychomotor ability.

(iii) No child shall be denied entry into a program or project on the basis of only one method of identification.

(20 U.S.C. 1863, Comm. Print (1972) at 10–11)

(2) *Differentiated education.* Where the program or project to be assisted includes an instructional component serving the gifted and talented, the program or project must involve differentiated education or services, as defined in § 160b.2, designed to ensure emphasis on affective as well as cognitive development of the student.

(20 U.S.C. 1863; Comm. Print (1972) at 11)

(3) *Individualized education.* The activities to be carried out must be structured to respond to the individual needs, both cognitive and affective, of the children, teachers, and other personnel to be served.

(20 U.S.C. 1863)

(4) *Maintenance of level of support.* An application for assistance under this part must contain an assurance that funds made available to the applicant under this part will be so used (i) to supplement and, to the extent practicable, increase the level of funds that would, in the absence of funds under this part, be available from non-Federal sources for the purposes of the program for which assistance is sought, and (ii) in no event to supplant such funds.

(Sen. Rept. No. 93–763, at 72 (1974))

(5) *Multiplier effect.* The program or project must be designed to affect and improve the education of the gifted and talented on a national, Statewide, or regional level and to attract other public or private resources to the education of the gifted and talented.

(Sen. Rept. No. 93–763, at 72 (1974))

(6) *Scope of participation.* Provision must be made for the participation of, or for assistance with respect to the needs of, all targeted gifted and talented in the area to be served by the program or project, including those who are economically deprived, handicapped, or culturally different as evidenced by traits such as bilingual capability, or other traits common to the cultural norm. Where tests are employed as a means of identifying the gifted and talented, the recipient of funds under this Part must be able to demonstrate a rational connection between such tests and the purpose for which they are given.

(20 U.S.C. 1863 *P. v. Riles,* 343 F. Supp. 1306)

(7) *Evaluation.* The application must contain satisfactory assurance that the applicant (i) will conduct a comprehensive ongoing evaluation as well as a final evaluation of the program or project, and (ii) will cooperate with the Commissioner's evaluation of specific plans, programs, projects, or activities assisted under the Act.

(8) *Internal consistency.* The application must establish that all components of the program or project are interrelated and interdependent.

(20 U.S.C. 1863)

§ 160b.4 Duration of projects.

(a) Grant awards made pursuant to this part will be for a period of up to one year.

(b) Grant applications may be filed proposing a program or project with a duration in excess of one year. Such application must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and estimated budget breakouts to obtain these objectives in any proposed subsequent year. If the Commissioner finds that the application demonstrates that multi-year support is needed to carry out the proposed program or project, the Commissioner may, in the initial notification of grant award for the program or project, indicate an intention to assist the program or project on an appropriate multi-year basis through continuation grants.

(c) (1) Subject to availability of funds, where the Commissioner has made an initial award to support a project proposal requiring more than one year for completion, continuation awards may be made.

(2) (i) Continuation applications will not be competitive with initial awards in any subsequent fiscal year, but will be competitive with other applications for continuation awards in the same year.

(ii) Applications for continuation awards will be reviewed to determine:

(A) If the grantee has complied with the grant terms and conditions, the Act, and the regulations;

(B) The effectiveness of the program or project to date or the constructive changes proposed as a result of the on-going evaluation;

(C) The extent to which the program or project is meeting the applicable priorities; and

(D) The extent to which continuation of Federal assistance to the program or project is in the best interests of the government.

(20 U.S.C. 1863 (c), (d), and (e))

§ 160b.5 Pre-applications.

(a) With respect to the award of grants under subparts C, D, and E, the Commissioner may require applicants to submit a pre-application in accordance with § 100a.41 of this chapter by publishing a closing date for pre-applications in the FEDERAL REGISTER.

(b) In the event the Commissioner does require pre-applications pursuant to paragraph (a) of this section:

(1) As part of the narrative statement concerning the program or project required in pre-application forms provided for by § 100a.41 of this chapter, which may not exceed ten double-spaced typewritten pages, applicants for grants must provide information on the objectives and activities proposed which is responsive to applicable criteria set forth in §§ 160b.6, and 160b.24, 160b.32, or 160b.46, as appropriate.

(2) If the applicant proposes a program or project with a duration in excess of one year, the narrative statement must include an explanation of the need for multi-year support, and the budget forms must include a detailed budget for the first year and summary projections for the balance of the proposed project.

(3) Pre-applications will be evaluated by the Commissioner on the basis of their prospects for meeting the funding requirements set out in § 160b.3 and the applicable subpart, and for competing successfully with similar applications in terms of the criteria set forth in § 160b.6 and the applicable subpart.

(4) Applicants submitting the most highly rated pre-applications will be invited to submit applications for review.

(20 U.S.C. 1863)

§ 160b.6 General educational and programmatic criteria.

(a) *Applicability.* Applications for grants under this part will be evaluated on the basis of:

(1) funding criteria contained in the subpart to which the application relates (see §§ 160b.24, 160b.32, and 160b.46); and

(2) general criteria set forth in paragraph (b) of this section. The criteria contained in 45 CFR § 100a.26 are not applicable to this part.

(b) *General criteria.* The following general criteria will be applied in evaluating all applications for grants under this part (100 points).

(1) *Needs assessment (10 points).* The extent to which the program, project, or activity has identified the special educational needs of the gifted and talented population that it proposes to serve (including the assessment of such needs of minority groups or economically deprived children in the area to be served) and gives evidence that this identification was derived through a process involving the population to be served, educators, and the community (including parents, private groups, and/or institutions).

(2) *Statement of objectives (20 points).* The extent to which the program, project, or activity defines specific immediate objectives in relation to the needs identified and contains appropriate strategies to meet these objectives.

(3) *Activities (25 points).* The extent to which the program, project, or activity:

(i) Is designed to meet the unique needs of each participant;

(ii) Incorporates innovative concepts and techniques which can be replicated to meet current problems experienced in gifted and talented education.

(4) *Resource management (25 points).* The extent to which the program, project, or activity:

(i) Demonstrates selection of competent staff and consultants;

(ii) Shows evidence of plans to prepare and train staff;

(iii) Effectively and efficiently utilizes existing monetary, human, and informational resources, public, private, and community;

(iv) Demonstrates innovative coordination of resources for program management.

(5) *Evaluation (10 points).* The extent to which the program or project contains an ongoing evaluation component which will:

(i) Utilize objective assessment procedures to the greatest degree possible for all program aspects;

(ii) Involve persons both directly and indirectly affected by the program, project, or activity, such as parents, students, and the community;

(iii) Include mechanisms for effecting changes in the program or project based on periodic compilation of results;

(iv) Include the application of standards of success designed by persons associated with the program or project as well as those standards developed by professionals elsewhere;

(v) Report results based on actual accomplishments by the gifted and talented students or their teachers which are a direct result of the project, program, or activity.

(6) *Dissemination (10 points).* The extent to which the proposed program or project demonstrates a substantial commitment of monetary and human resources for the purpose of:

(i) Organizing final results and products in exportable form;

(ii) Training personnel from other agencies and institutions desiring to utilize a similar model or program.

(20 U.S.C. 1863)

§ 160b.7 Allowable costs.

(a) *General.* (1) Allowable costs under programs or projects to which funds are awarded pursuant to this part shall be determined in accordance with cost principles set forth in the applicable appendices to subchapter A of this chapter.

(2) The costs of nonexpendable personal property with an acquisition cost of $1,000.00 or more per unit, depreciation or use allowances, automatic data processing, memberships, subscriptions and professional activities shall be unallowable under this part unless they have been provided for in the grant agreement and specifically authorized by the Commissioner. Facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable.

(b) *Costs in training projects.* Training projects of short-term duration under Subparts D and E:

(1) Grants for these training projects may include provisions for (i) the payment of tuition and fees, and (ii) the payment to participants (who are not otherwise compensated for their time while receiving training) of stipends, as follows:

(2) (i) Where stipends are paid to participants, payments will be at the rate of $30.00 for each full day of training, up to $150.00 per week. If a day of training involves less than five hours, payment for attendance would be at the rate of $6.00 per hour subject to the weekly limit of $150.00; or

(ii) Where the educational personnel participating in the training are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for the individual is more than $6.00 per hour, the individual would

be eligible for a stipend at the minimum hourly rate provided under the collective bargaining agreement;

(iii) Where a local educational agency or other public educational agency compensates teachers or other educational personnel whom it employs for their time in receiving training under this subparagraph and must hire a substitute for a participant in the training during the time of such participation, reimbursement may be made in accordance with law under the grant to such agency in the amount required to hire the substitute;

(iv) Up to fifty percent of travel costs will be paid for participation in any training component under this subparagraph.

(c) *Graduate training of leadership personnel.* (1) Grants which support training in the education of the gifted and talented leading to a graduate degree or beyond as provided for in subpart E may include provisions for (i) payment to the grantee of the incremental costs of planning organizing, staffing, and conducting such courses, seminars, and practicums during their preparation and first year operation, and (ii) partial tuition and fees of participants on a credit hour basis, and (2) payment to participants of stipends and dependency allowances as the Commissioner may determine to be consistent with prevailing practices under comparable Federal programs providing fellowship support.

(d) *Internships.* Where a grant to an institution of higher education or other appropriate non-profit institution or agency, or a consortium thereof, relates to a project or program involving internships for the participants with State or local public agencies, Federal agencies, or institutions, provision may be made to include an amount for the internship in the grant at the entering rate for professionals in the agency to which the intern is to be assigned. The application must contain sufficient information and justification to satisfy the Commissioner that such payment would contribute substantially to the realization of the project objective. The amount of the internship shall be limited to the equivalent of entering salary.

(e) *Indirect costs.* (1) Except as provided in subparagraph (2) of this paragraph, indirect costs will be allowed under projects funded under this part in accordance with the indirect cost rate allowances set out in the Appendices to subchapter A of this chapter;

(2) Indirect cost rates for educational training grants will be awarded at

(i) The actual level of indirect costs as determined under clause (1) of this subparagraph, or

(ii) The rate of eight percent of total direct costs, including stipends and dependency allowances, whichever is the lesser.

(FMC 73-8 and FMC 74-4; 20 U.S.C. 1863, 1231(c)(b); 1232c(b)(2))

Subpart B—Information Services

§ 160b.11 Information development and dissemination.

(a) *General.* The Commissioner shall enter into contracts with one or more public or private agencies or organizations to develop and disseminate information to the public pertaining to the education of gifted and talented children and youth.

(b) *Activities.* Development of such information includes, but is not limited to:

(1) Collection of available data on identification of the gifted and talented;

(2) Analyses of existing methodologies and new discoveries in the continuing educational needs of the gifted and talented;

(3) Information on current and developing training opportunities for teachers of the gifted and talented and for leadership personnel in this area; and

(4) Any other information considered relevant to the education and development of gifted and talented children and youth.

(c) *Dissemination methods.* Such project(s) shall provide for the preparation and dissemination of information by the most appropriate means available, including publication or any other appropriate medium of dissemination.

(d) *Targeting.* In soliciting proposals under this Subpart, the Commissioner shall determine the target groups for dissemination activities, including but not limited to one or more of the following groups: Teachers counselors, parents, administrators, school psychologists and gifted and talented students.

(20 U.S.C. 1863(b))

Subpart C—Assistance to State and Local Agencies for Planning, Development, Operation, and Improvement of Programs.

§ 160b.21 General.

(a) *Scope.* This subpart governs grants to State educational agencies and local educational agencies under subsection (c) of the Act to assist such agencies or any consortia thereof in the planning, development, operation, and improvement of programs or projects designed to meet the special educational and related needs of the gifted and talented at the preschool, elementary, and secondary school levels.

(20 U.S.C. 1863(c))

(b) *Requirements.* In addition to the requirements set forth in § 160b.3, an application for assistance under this subpart shall:

(1) Provide satisfactory assurance that funds paid to the applicant will be expended solely to plan, establish, and operate programs or projects which:

(i) Are designed to identify and to meet the special educational and related needs of gifted and talented children; and

(ii) Are of sufficient size, scope and quality to make substantial progress toward meeting those needs;

(20 U.S.C. 1863(c)(2)(A)(i))

(2) Set forth such policies and procedures as are necessary for acquiring and disseminating information derived from educational research, demonstration and pilot projects, new educational practices and techniques, and the evaluation of the effectiveness of the program or project in achieving its purpose;

(20 U.S.C. 1863(c)(2)(A)(ii))

(3) Provide satisfactory assurance that, to the extent consistent with the number of gifted and talented children in the area to be served by the applicant who are enrolled in non-public elementary and secondary schools, provision will be made for the participation of such children in accordance with § 160b.25 of this part;

(20 U.S.C. 1863(c)(2)(A)(iii))

(4) Set forth a sufficient description of the program or project for which assistance is sought to enable Commissioner to make all necessary determinations under this part in order to consider and evaluate the application in light of the applicable criteria in this part. Applicants are advised to organize their presentations with reference to such criteria and to explain how they believe the criteria relate to the proposed program or project.

(20 U.S.C. 1863(c))

§ 160b.22 Grants to State agencies; Statewide activities.

(a) *General.* Grants under this subpart may be made to State educational agencies or consortia thereof to assist them in planning, establishing, and operating programs or projects which are designed to have Statewide impact in identifying and meeting the special educational and related needs of the gifted and talented.

(b) *Components.* A State educational agency applying under this subpart may include in a single application components involving:

(1) A project encompassing Statewide activities as described in this subpart ("State grant");

(2) An inservice teacher training program described in subpart D ("training component"); and

(3) One or more local educational agency demonstration projects having Statewide impact ("local demonstration project component"). (Funds for such projects shall not supplant any State or local funds being expended by the local educational agency for the education of gifted and talented children and youth).

(c) *Examples.* The following list is illustrative (but not exhaustive) of the types of Statewide or cooperatively developed multi-State activities which may be assisted under this subpart:

(1) The provision by a State educational agency of developmental and tech-

nical assistance (through regional area service centers or other mechanisms) to assist specific local educational agencies in carrying out programs or projects to meet the special educational and related needs of the gifted and talented;

(2) A survey and assessment to meet these needs which currently exist in local educational agencies in the State;

(3) Determination of the need for particular programs and projects to meet these needs as a result of the survey and assessment;

(4) Development of a comprehensive plan for serving the gifted and talented in local educational agencies in the State;

(5) Provision for a State coordinator(s) or other official(s) with responsibility for development, improvement, coordination, and delivery of other State services with respect to programs for the gifted and talented in local educational agencies;

(6) Arrangements with local educational agencies to carry out demonstration projects at the local educational agency level which have Statewide or regional impact in meeting the special educational and related needs of the gifted and talented;

(7) Statewide competitive scholarships, or student internships for gifted and talented children to work with mentors;

(8) The development and implementation of an inservice training program for local educational personnel in the administration of appropriate and comprehensive methods for the identification and education of the gifted and talented and assessment of their needs (Subpart D, Training of Educators); and

(9) Other activities of a capacity-building nature designed to enhance the capacity of the State educational agency and local educational agencies in the State to meet the special educational and related needs of the gifted and talented.

(d) *State educational agencies.* Applications for assistance under this part from State educational agencies must demonstrate that the Statewide activities for which assistance is requested under this subpart will be coordinated with any other activities to be carried out by the State educational agency under this part, including activities under subpart D (relating to training of teachers).

(e) *Methods of operation.* A State educational agency may carry out its functions under an approved application under this subpart directly or through local educational agencies. However, a State educational agency must maintain administrative direction and control with respect to any program or project for which it is receiving assistance under this subpart.

(f) *Notice.* It is anticipated that, for fiscal year 1976, funds will be available to support only a limited number of comprehensive Statewide programs under this subpart, and funds will be insufficient to support State educational agency projects in all States. Accordingly, only those programs or projects will be funded which meet the requirements of this part, and which are highly rated in accordance with the applicable criteria in comparison with all other State applications submitted.

(20 U.S.C. 1863(c))

§ 160b.23 Grants to local educational agencies; locally based activities.

(a) *General.* (1) Grants to local educational agencies under this subpart will be made to assist such agencies in the establishment or improvement of exemplary programs and projects to meet the special educational and related needs of the gifted and talented at the preschool, elementary, and secondary school levels. It is anticipated that only a limited number of exemplary programs or projects under this section will be supported in the approximate range of $1,000 to $20,000 each. (A total of $250,000 of the amount available will be initially reserved for grants under this section).

(b) *Priority.* In the approval of applications and the award of grants under this section, priority will be given to programs or projects (1) which the applicant demonstrates have a significant potential for replicability; or (2) which will best serve as a catalyst or stimulus for other programs, projects, or activities to meet the needs of the gifted and talented in areas, regions, or States lacking programs or services to meet these needs.

(20 U.S.C. 1863(c), Sen. Rept. No. 93-763, at 72 (1974))

(c) *Requirements.* In addition to the requirements of § 160b.3 and § 160b.21 (b), applications for assistance under this subpart from a local educational agency must:

(1) Provide satisfactory assurance that the application has been submitted to the appropriate State educational agency for its review and recommendation no later than the time the application has been submitted to the Commissioner. Upon review, the State educational agency may submit to the Commissioner, within 30 days of its receipt of a copy of the application, such recommendations as it deems pertinent.

(20 U.S.C. 1863(c)(2)(B))

(2) If the State has a comprehensive plan for the education of the gifted and talented, set forth a description of how the activities proposed to be carried out under the proposed program or project relate to the State plan;

(3) If assistance is made available under this project, provide satisfactory assurance that provision will be made for establishing an advisory committee composed of persons broadly representative of the community in the school district or otherwise to be served by the program or project, including persons representing agencies or other entities serving the needs of the gifted and talented, teachers, administrators, gifted students, nonpublic school representatives, and parents of gifted and talented children;

(20 U.S.C. 1231d))

(4) In the case of establishment of special classes for the gifted and talented for the purposes of the program or project, provide satisfactory assurance, that reassessment will be made of students participating in and those not participating in such classes from time to time, in order periodically to redetermine such participation.

(d) *Illustrative activities.* The following types of activities are illustrative of the types of activities which may be supported (in whole or in part) in connection with programs or projects assisted under this section:

(1) Exemplary programs involving comprehensive differentiated education or services to meet the special educational and related needs of the gifted and talented;

(2) Exemplary programs involving opportunity for study outside the classroom (including apprenticeships and mentorships);

(3) Exemplary programs of special counseling to meet the needs of the gifted and talented;

(4) The provision of postsecondary studies at the secondary school level;

(5) The establishment of special classes for gifted and talented children; and

(6) Exemplary programs for special target groups of gifted and talented such as preschool children, minority group children and economically disadvantaged.

(e) *Allowable costs.* (1) Allowable costs for a local exemplary project may not include other than incremental costs of establishing or operating the project (such as salaries for additional staff, and special equipment, the purchase and use of which is justified in the proposal).

(2) The cost of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets shall be unallowable under this section.

(3) Where appropriate and justified, costs for an in-service training element for teachers involved in the project may be included in the proposal.

(20 U.S.C. 1863(c))

§ 160b.24 Criteria for evaluation of applications.

In order to achieve the purposes set forth in the Act, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of the grant pursuant to this subpart will consider, in addition to the general requirements in § 160b.3 the following factors, weighted according to the indicated points:

(a) *All applications.* (100 points) The general educational and programmatic criteria set forth in § 160b.6 of this part.

(b) *State educational agency applications.* (100 points) With respect to State educational agency applications:

(1) (10 points)—The extent to which the Statewide or other activities under the application will be carried out pursuant to a comprehensive State plan for identifying and meeting the special edu-

cational and related needs of the gifted and talented;

(2) (20 points)—The likelihood that the activities to be carried out under the program or project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by:

(i) Evidence of financial and other commitment of the applicant to the project, and

(ii) The extent to which the program or project is designed to build the capacity of the applicant to plan, develop, operate, improve or assist programs or projects to meet the special educational needs of the gifted and talented;

(3) (20 points)—Evidence of commitment by the State educational agency to further the Act's purposes in the State as reflected by such factors as the existing or planned organizational status within the State agency of personnel with administrative responsibilities related to the gifted and talented;

(4) (10 points)—The extent to which the proposed program or project responds to the needs of existing and planned programs for the gifted and talented in local educational agencies throughout the State for developmental and technical assistance from the State educational agency;

(5) (20 points)—In the case of State projects involving one or more local educational agency demonstration projects, the extent to which the proposed model project(s) is significantly and directly related to the provision of quality differentiated educational services and activities to the gifted and talented throughout the State (in evaluating his criterion, the criteria set forth in paragraph (c) below will be used and given weight as follows: (1) (7 points); (2) (4 points); (3) (3 points); (4) (6 points)).

(6) (20 points) The comprehensiveness and quality of the in-service training of State educators component in the State application. In evaluating this factor, the criteria set forth in subpart D, § 160b.32 will be used.

(c) *Local educational agency applications.* With respect to local educational agency applications (100 points):

(1) (35 points)—The extent to which the proposed program or project, if successful, is of an exemplary design in order to stimulate the development of programs or projects to meet the special educational or related needs of the gifted and talented in school districts in addition to that of the applicant local educational agency as reflected by factors such as:

(i) The extent to which the program or project is capable of replication;

(ii) The extent to which the applicant has planned for providing developmental or technical assistance to non-applicant local educational agencies in the State with similar problems;

(iii) The relative cost effectiveness of the program or project as to development, replication, and utilization by others;

(iv) The extent to which the program or project holds promise of providing new and innovative approaches to meeting the special educational needs of gifted and talented children;

(2) (20 points)—The extent to which the applicant has developed, with the support of concerned parents and community members, fair, adequate, comprehensive, nondiscriminatory and multiple methods for identifying and selecting the gifted and talented children in the category to be included in the proposed program or project and assessing their educational needs and the means for meeting such needs.

(3) (15 points)—The extent to which the proposed program or project provides for the integration of, or mutual reinforcement between, programs to meet the special educational needs of the gifted and talented and the regular educational program of the local educational agency (taking into account such factors as the degree to which educational benefits or innovations derived from such program or project will be communicated to or used by teachers, or will be otherwise infused into, the general instructional program of the school system).

(4) (30 points)—The extent to which the proposed program is innovative and effective enough to provide significant educational gains for the gifted and talented at low cost.

(20 U.S.C. 1863(c))

§ 160b.25 Participation of students in non-public schools.

(a) *General.* Each program and project carried out under Subpart C of this part shall, to the extent consistent with the number of gifted and talented students enrolled in non-public schools in the geographic area served by the program or project, make available for these students any differentiated educational services supported under this subpart which will meet the special educational needs of such students. Each application submitted by a State educational agency or a local educational agency shall indicate the number of students enrolled in nonpublic schools who are expected to participate in each program and project proposed by such agency and the manner of their expected participation.

(b) The provision of special educational services to nonpublic school children may involve such arrangements as dual enrollment, educational television, or other appropriate services or techniques made available by, and under the supervision of, a public agency.

(c) *Avoidance of separate classes.* Any program or project to be carried out on public premises and involving joint participation by students enrolled in public schools and nonpublic schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

(20 U.S.C. 1863(c)(2)(A)(iii))

Subpart D—Training of State and Local Educators

§ 160b.31 Grants for State Training Projects.

(a) *General.* The Commissioner is authorized to make grants to State educational agencies or consortia thereof for training persons engaged or preparing to be engaged as teachers or other educational personnel, or as supervisors in the education of the gifted and talented. Applications by these State agencies shall indicate whether the programs are to be conducted directly by the State educational agency or through grants by the State educational agencies to institutions of higher education.

(b) *Priority.* (1) If the State submits an application under Subpart C and this subpart, the request for assistance shall be consolidated into a single application under Subpart C. Priority will be given to these applications. See § 160b.22(b) and § 160b.24(b).

(2) In the review of applications under this subpart, priority will be given to applications for grants to assist inservice training through such activities as workshops during the school year, summer institutes, part-time university courses, and the establishment of area training centers.

(20 U.S.C. 1863(d); Comm. Print, (1972) at p. 33)

§ 160b.32 Criteria for awards.

In order to achieve the purposes set forth in the Act, the Commissioner, in determining whether to approve an application for a grant and the amount of the grant pursuant to this subpart or as a component of a State grant under Subpart C, will consider the criteria in § 160b.6 (100 points) and the following criteria, weighted as indicated: (20 points)

(a) *General.* (1) (3 points) The extent to which the program, project, or activity demonstrates evidence of substantial commitment to continuation of training activities beyond the funding period;

(2) (2 points) The extent to which the application is coordinated with a State agency application under Subpart C to provide a training component in the provision of planning or developing programs for the gifted and talented in the State.

(b) *Activities.* (1) (2 points) The extent to which the project, program, or activity is concentrated upon participants who will actively serve in school systems in teaching or supervising the education of the gifted and talented.

(2) (3 points) The extent to which the proposed project is, or contributes to, an on-going training program which is of a scope to produce long-range and lasting changes in the education of the gifted and talented, e.g., conferences will be supported only when they are part of a more extensive training program.

(3) (2 points) The extent to which the application, if it proposes summer in-

stitutes or workshops, also proposes one or more follow-up sessions beyond the training that is Federally supported.

(c) *Resource Management.* (1) (3 points) The extent to which the application proposes utilizing as staff or consultants persons currently engaged in directing or providing service through differentiated education or services for gifted and talented students, or who have recognized expertise in the field of specialization related to the education of the gifted and talented, such as researchers, teacher trainers, and supervisors.

(2) (1 point) The extent to which an applicant State educational agency which proposes to conduct its training program through an institution of higher education will coordinate and make available all State resources necessary to enhance the quality and effectiveness of the training.

(d) *Selection of participants.* (1) (2 points) The extent to which the application indicates that the participants to be trained not only show promise of being successful teachers, or supervisors in the education of the gifted and talented, but also have a commitment from their local school districts to work in this educational field upon completion of their training.

(2) (2 points) The extent to which the application indicates that the participants have been chosen on the basis of past performance or assessed potential through the use of specified appropriate indices.

(20 U.S.C. 1863(d))

§ 160b.33 Allowable costs.

Grants under this subpart may be used for allowable costs in accordance with § 160b.7 for carrying out such training and where such training is carried out by an educational institution, may include provision for tuition and fees.

(20 U.S.C. 1863(d))

Subpart E—Leadership Personnel Training

§ 160b.41 Grants for leadership personnel training.

(a) *Purpose.* The Commissioner is authorized to make grants to assist programs involving specialized or intensive training for leadership personnel (as defined in § 160b.2) in the education of the gifted and talented children and youth.

(b) *Eligible parties.* Parties eligible for assistance under this subpart are institutions of higher education or other appropriate non-profit institutions or agencies.

(20 U.S.C. 1863(e))

§ 160b.42 Grant activities.

(a) *General.* Assistance under this subpart is available for activities designed to carry out the purposes of § 160b.41.

(b) *Priorities.* Priority in the award of assistance under this subpart will be given to training programs in the following categories:

(1) A graduate training program designed to train a limited number of exceptional leaders in the field of education of the gifted and talented for service in this field throughout the Nation as described in § 160b.43 ("graduate training program for leadership personnel");

(2) A program providing for a training institute for leadership personnel of actual and potential stature throughout the Nation in the education of the gifted and talented as described in § 160b.44 ("training institute for the gifted and talented"); and

(3) Programs providing for specialized internships for actual and potential leadership personnel throughout the Nation in the education of the gifted and talented, as described in § 160b.45 ("internships").

(c) It is anticipated that, for Fiscal Year 1976, a single grant award will be made in each of the above categories.

(20 U.S.C. 1863(e))

§ 160b.43 Graduate training program for leadership personnel.

Applications to carry out a training program for the development of leaders in the education of the gifted and talented shall set forth a program which:

(a) Provides intensive training (including graduate courses and practicums) concentrating on specific problems or areas of concern relating to the education of the gifted and talented;

(b) Includes adequate procedures for the selection of persons of potentially outstanding leadership ability in the education of the gifted and talented as participants in such program;

(c) Provides an opportunity, as part of such graduate training, for practical experience through an internship of not less than one semester in duration with a local, State or Federal agency or other public or private agency for which academic credit is given;

(d) Provides that the individual receiving training may obtain academic credit towards a degree for courses taken at institutions of higher education other than the one at which the participant is matriculated. Where several institutions of higher education are combined in a consortium, it is expected that the course of study will involve rotation among them; and

(e) Provides that each participant will develop, design, and complete a project designed to contribute to the improvement of education for the gifted and talented.

(20 U.S.C. 1863(e))

§ 160b.44 Training institute for gifted and talented.

Applications for a grant under this subpart to support the establishment and operation of a leadership personnel training institute for the education of the gifted and talented must demonstrate that the program for which assistance is requested will:

(a) Provide technical assistance and coordination services for short-term, intensive training institutes for leadership personnel carried out at the local level;

(b) Involve the conduct of periodic workshops and conferences on topics of importance in the education of the gifted and talented such as the culturally different gifted, the creative child, the affective development of the gifted child, the impact of the gifted child on his or her family;

(c) Arrange for the short-term training of teams of leadership personnel from local agencies or other appropriate public or private agencies or institutions or from organizations having nationwide impact on the education of the gifted and talented;

(d) Develop training materials for use by State and local educational agencies, schools, parent groups, and others relating to leadership in the education of the gifted and talented; and

(e) Provide a communication network for leadership personnel.

(20 U.S.C. 1863(f))

§ 160b.45 Internships.

(a) *General.* Assistance may be made available as part of a program carried out under § 160b.43, or § 160b.44 or under this section to support the provision of internships to train leaders or potential leaders in the education of the gifted and talented in local, State, or Federal agencies or other public or private agencies or institutions. These internships must offer unique opportunities for professional growth in serving the educational needs of the gifted and talented.

(b) *Use of funds.* Grant funds made available for internships under this subpart may be used for compensation for the interns in accordance with § 160b.7 (d).

(20 U.S.C. 1863(f))

§ 160b.46 Criteria for awards.

In addition to determining that an application under this subpart has met the applicable requirements of § 160b.3, the Commissioner will evaluate the application in accordance with the educational and programmatic criteria in § 160b.6 (100 points) and the following criteria:

(a) *General.* (50 points) The extent to which:

(1) The proposed training will provide a variety of experience, practical as well as academic (10 points);

(2) The proposed training will be of sufficient scope, quality, and duration to produce long-range and lasting changes (5 points);

(3) Provision is made for follow-up training after the initial training has ended (10 points);

(4) Participants are chosen on the basis of exceptional potential for successful leadership in advancing the education of the gifted and talented as evidenced by demonstrated ability, past performance, and assessed potential (15 points); and

(5) The quality of the training program (as evidenced by the experience and background of the proposed staff and

the plan for conducting the training) is exemplary in nature (10 points);

(b) *Graduate training program for leadership personnel.*

In the case of applications to carry out a program under § 160b.43, the following factors will be considered (50 points). The extent to which:

(1) (i) The activities are integrated into a total academic program for participant trainees, and

(ii) Provision is made for experienced advisors to work as mentors with the trainees at their academic institutions as well as during internship and academic or practicum work experiences at other institutions or locations (20 points);

(2) The training involves a practicum adequately designed to give participants experiential knowledge both in identifying or teaching the gifted and talented, and in administering programs for the gifted and talented (20 points);

(3) In the case of consortia, there is evidence that the written agreement among the participating institutions permits participants who have enrolled at one institution to attend or participate (for academic credit) in the courses, programs, seminars, or other instructional offerings, of any of the other participating institutions, including the experience gained during internships (10 points);

(c) *Training institute for gifted and talented.*

In the case of applications under §160b.44, the following factors will be considered (50 points). The extent to which:

(1) The applicant possesses exceptional capability in carrying out training programs for the education of the gifted and talented (8 points);

(2) The applicant has resources to institute and maintain a nationwide communications network among those it trains or serves (8 points);

(3) The applicant has generated resources and outside support for its activities (5 points)

(4) The application demonstrates potential to organize and conduct conferences and institutes to train practitioners (teachers, parents, administrators, counselors, gifted students, and others) to better serve gifted and talented youth (8 points);

(5) The applicant demonstrates a capacity to provide developmental assistance to State educational agencies and local educational agencies and is able to employ this capacity in its training program (7 points);

(6) There is evidence of commitment to provide training through internships under this subpart (3 points);

(7) The applicant demonstrates a capacity to disseminate its products to practitioners in the field of the gifted and talented (4 points); and

(8) Evidence of experience in or potential for providing developmental and technical assistance to State educational agenices, local educational agencies, parent groups and other special target groups such as minority groups, urban education systems, isolated educational groups, etc. (7 points).

(20 U.S.C. 1863(e))

(d) *Internships.* In the case of internships under § 160b.45, the following factors will be considered (50 points). The extent to which:

(1) The agencies at which the interns are to be placed have made, or have the potential to make, a positive contribution to the education of the gifted and talented and are committed to doing so (10 points);

(2) The organization administering the intern program has a commitment to helping the interns to be suitably placed in their work experiences with mentors to guide them (12 points);

(3) The organization proposing to administer the intern program, because of evident potential to manage successful internship programs training educational leaders, has the capacity to manage the proposed program with a minimum organizational overhead (15 points);

(4) The agencies or institutions with which the interns will be placed have mounted, or will mount, programs on behalf of the gifted and talented in which the interns will be assigned meaningful participation (13 points).

Subpart F—Model Projects

§ 160b.51 Contracts for model projects.

(a) The Commissioner is authorized to enter into contracts with public and private agencies and organizations to establish and operate model projects. These model projects shall involve a program of activities as defined in § 160b.53, which is targeted toward a special category of the gifted and talented (such as bilingual, early childhood, handicapped, educationally disadvantaged, migratory, rural, native American, or culturally different).

(b) Funds available for the support of model projects may not exceed 15 percent of the total amount expended under the program in any fiscal year.

(20 U.S.C. 1863(g))

§ 160b.52 Eligible applicants.

(a) From funds reserved under the provision of subsection (g) of the Act, the Commissioner may enter into contracts with any public or private agency to establish or operate a model project which embodies all or most of the elements of such a project as defined in § 160b.53.

(b) The Commissioner may from time to time issue requests for proposals (RFP) to establish a model project as described in the specifications for such a proposal.

(20 U.S.C. 1863(g))

§ 160b.53 Elements of a model project.

A model project shall include the following elements:

(a) It must be targeted to identify and to meet the specific needs (through differentiated services as defined in § 160b.2) of a particular sub-group of the gifted and talented as referred in § 160b.51, in such areas as career education, bilingual education, early childhood education, the education of the handicapped, the educationally disadvantaged (such as migrant children and youth, urban poor and rural youth), the culturally different (such as ethnic minorities, Indians, and Eskimos), and others;

(b) It must demonstrate thorough knowledge of existing research practices and theory in the education of the gifted and talented in general and the defined sub-group in particular;

(c) It must show unique relation to the target population to be addressed and speak to needs critical to this group;

(d) It must demonstrate awareness of and optimal use of available resources, human and material, on local, State, regional, or national levels, including resources of allied fields;

(e) It must employ models and strategies which can be generalized by such means as multi-media packages for dissemination to similar target populations and are designed for replication in whole or in part;

(f) It must employ applied research and measurement methods with provision for formative and summative evaluation;

(g) It must make provision for site visits, demonstrations, and dissemination of program information to the public, including workshops or conferences for this purpose; and

(h) It must demonstrate contributions and input from parents of target group students and concerned community organizations.

(20 U.S.C. 1863(g))

§ 160b.54 Criteria for awards.

In reviewing proposals for contracts under this subpart, the Commissioner will consider requirements and criteria set out in § 160b.3 and the following:

(a) *Project design.* (1) The extent the proposal demonstrates an innovative approach to the education of a targeted group of the gifted and talented;

(2) The extent to which the proposal exhibits elements of a model project set out in § 160b.53;

(b) *Needs assessment.* The extent to which the proposal delineates the existence of special educational needs for a targeted segment of the gifted and talented and proposes to meet those needs;

(c) *Statement of objectives.* The extent to which the proposal sets forth measurable objectives for the model project in relation to the identified needs of the targeted group of students which are realistically attainable within the limits of the award and the available resources.

(d) *Resource management.* The extent to which the proposal demonstrates that:

(1) Currently available resources will be integrated into the project; and

(2) The portion of project costs to be funded by the Federal government is reasonable in order to attain the expected benefits.

(e) *Staffing.* The extent to which the background, training, and experience of

the staff is relevant to engaging in the education of the gifted and talented and particularly relevant to the needs of the targeted group.

(f) *Coordination.* The extent to which (1) the model project will provide a demonstration element for other school personnel both public and private interested in the education of the gifted and talented, and (2) the extent to which the model project can accommodate the services of and provide experience for interns as authorized under Subpart E.

(g) *Evaluation.* The extent to which the proposal provides for periodic self-evaluation, the results of which will influence the further thrust of the project;

(h) *Replicability.* The extent to which the model project is cost effective in terms of the Federal investment therein and would be replicable by others without extensive investment; and

(i) *Dissemination.* The extent to which the proposed project demonstrates a substantial commitment of monetary and human resources for the purpose of : (1) organizing final results and products in exportable form; and (2) providing training opportunities for personnel from other agencies and institutions desiring to utilize a similar model or program.

(20 U.S.C. 1863(g))

[FR Doc.76-13055 Filed 5-5-76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURE MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades; Correction

In FR Doc. 76-10383, published at page 15022 in the issue dated Friday, April 9, 1976, under § 52.3314, the following entries in the Brix designations and Brix measurements table are corrected to read as follows:

§ 52.3314 Liquid media and Brix measurements.

(a) * * *

Designations	*Brix measurements*
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	27° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	20° or more but less than 27°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	15° or more but less than 20°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	11° or more but less than 15°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

Dated: April 30, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-13172 Filed 5-5-76;8:45 am]

[Orange Regs. 74, 76; Amdts. 7, and 5]

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

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

Grade Requirements

Amendment 7 to Regulation 74 lowers the minimum grade requirements applicable to domestic and export shipments of Florida Temple oranges to U.S. No. 2 on April 30, 1976. Amendment 5 to Regulation 76 lowers the minimum grade requirements applicable to domestic and export shipments of pink seedless grapefruit to U.S. No. 2 Russett on April 30, 1976. The specification of such lower minimum grade requirements for Florida Temple oranges and pink seedless grapefruit is necessary to satisfy the demand for such fruit. The amended regulations recognize the quality of much of the Temple oranges and pink seedless grapefruit remaining for fresh shipment from the production area.

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

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Florida Temple oranges by domestic and export outlets. The lower minimum grade requirement specified for domestic and export shipments of Temple oranges is necessary to satisfy the demand for such fruit during the period of seasonally reduced supply. Fresh shipments of Florida Temple oranges for the season through April 25, 1976, totaled 4,252 carlots. The lower minimum grade requirement specified for shipments of pink seedless grapefruit is consistent with the external appearance of and demand for such grapefruit by fresh market outlets. For the season through April 25, 1976, fresh shipments of Florida grapefruit totaled 33,177 carlots.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of Temple oranges and pink seedless grapefruit grown in Florida.

Order. 1. The provisions of paragraph (a) (5) and paragraph (b) (5) of § 905.560 (Orange Regulation 74; 40 F.R. 42318, 49785, 54420, 58446; 41 F.R. 3282, 12215, 15829) are amended to read as follows:

§ 905.560 Orange Regulation 74.

(a) * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

(b) * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

2. The provisions of paragraph (a) (3) and paragraph (b) (3) of § 905.563 (Grapefruit Regulation 76; 40 F.R. 42317, 49785, 54420, 58446; 41 F.R. 15829) are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) * * *

(3) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2, or any pink seedless grapefruit which do not grade at least U.S. No. 2 Russet; or

* * * * *

(b) * * *

(3) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2, or any pink seedless grapefruit which do not grade at least U.S. No. 2 Russet; or

* * * * *

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

Dated, April 30, 1976, to become effective April 30, 1976.

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

[FR Doc.76-13109 Filed 5-5-76;8:45 am]

[Grapefruit Reg. 16—Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirement for Imports of Pink Seedless Grapefruit

This amendment lowers the minimum grade requirement applicable to imported pink seedless grapefruit to U.S. No. 2 Russet on April 30, 1976. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. This regulation fixes the same minimum grade requirement on imported pink seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.112 (Grapefruit Regulation 16; 40 F.R. 42529, 49787; 41 F.R. 15829) the provisions of paragraph (a) are amended to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3-2/16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the Unitd Stats Standards for Grades of Florida Grapefruit;

(2) Seedless grapefruit, other than pink seedless grapefruit, shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color), and pink seedless grapefruit shall grade at least U.S. No. Russet; and

(3) Seedless grapefruit, other than pink seedless grapefruit, shall be of a size not smaller than 3-9/16 inches in diameter, and pink seedless grapefruit shall be of a size not smaller than 3-5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum sizes shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of pink seedless grapefruit as is applicable under amended Grapefruit Regulation 76 (§ 905.563) to the shipment of pink seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirement applicable to imported pink seedless grapefruit.

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

Dated: April 30, 1976, to become effective April 30, 1976.

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

[FR Doc.76-13108 Filed 5-5-76;8:45 am]

[Navel Orange Regulation 379]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 7–13, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.679 Navel Orange Regulation 379.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fair to slow depending on the grade of the fruit. Prices f.o.b. averaged $3.12 a carton on a reported sales volume of 1,133 carlots last week, compared with an average f.o.b. price of $3.12 per carton and sales of 1,132 carlots a week earlier. Track and rolling supplies at 580 cars were down 50 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 7, 1976, through May 13, 1976, are hereby fixed as follows:

(i) District 1: 943,000 cartons;
(ii) District 2: 207,000 cartons;
(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: May 5, 1976.

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

[FR Doc.76–13451 Filed 5–5–76;11:57 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 201]

[Notice No. 296]

DISTILLED SPIRITS PLANTS

Registration Applications

The Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is considering rulemaking with respect to 27 CFR Part 201. The purpose of the proposed amendments is to relax the provisions relating to submission of supporting information in connection with applications for registration of distilled spirits plants. The present provsions include a requirement for the submission of certified extracts or digests of corporate minutes, showing election of officers and directors. The proposed amendments would change this to a requirement for the submission of a certified list of officers and directors, showing their names and addresses. The purpose of this change would be to eliminate the unnecessary paperwork incident to submission of certified extracts or digests of corporate minutes. The present requirement is a burden upon the distilled spirits industry which is greater than the corresponding requirements placed upon other regulated industries. Corporate wineries and breweries, for example, are only required to submit lists showing the names and addresses of their officers and directors. It is felt that, in the case of distilled spirits plants, a certified list will provide adequate safeguards against falsification of the names and addresses of the corporate officers and directors.

Interested persons who wish to participate in the making of the proposed rules are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (Attn: Chief, Regulations and Procedures Division) on or before June 7, 1976.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31 (b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director with the 30-day period.

In consideration of the foregoing, it is proposed to amend the regulations in 27 CFR 201.148 and 201.163b. The proposed regulations are to be issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

(1) The regulations in 27 CFR 201.148 are amended to replace the requirement for submission of certified extracts or digests of corporate minutes, showing election of officers and directors, with a requirement for the submission of a certified list of officers and directors, showing their names and addresses. Subsection (a) (4) is amended, subsections (a) (6) and (a) (8) are deleted, and the other subsections are re-numbered accordingly. As amended, the pertinent parts of § 201.148 read as follows:

§ 201.148 Organizational documents.

* * * * *

(a) *Corporate documents.*

* * * * *

(4) Certified list of directors and officers, showing their names and addresses.

(5) Certified true copy of bylaws.

(6) Certified extracts or digests of minutes of meetings of board of directors, authorizing certain individuals to sign for the corporation.

(7) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

* * * * *

(2.) Section 201.163b is amended to add a requirement that any application for amended registration on Form 2607, filed because of a change in the officers, must be accompanied by a new certified list of such officers. Also, the term, "assistant regional director" is replaced by the term "regional director". As amended, § 201.163b reads as follows:

§ 201.163b Changes in officers.

Where there is any change in the list of officers furnished under the provisions of § 201.148(a) (4), the proprietor shall submit, within 10 days of any such change, an application on Form 2607 for amended registration, supported by a new certified list of officers and a statement of the changes reflected in such list: *Provided*, That, where the operations of a distilled spirits plant are conducted pursuant to an operating permit, but not a basic permit, the regional director may extend to 30 days the time within which applications for amended registration to cover such changes in officers shall be filed. Where the proprietor has shown to the satisfaction of the regional director that certain corporate officers listed on the original application have no responsibilities in connection with the operations covered by the registration, the regional director may waive the requirements for submitting applications for amended registration to cover changes in such corporate officers.

(Sec. 5171, 5172, Pub. L. 85-859, 72 Stat. 1349 (26 U.S.C. 5171, 5172))

Signed: April 7, 1976.

REX D. DAVIS,
Director.

Approved: April 20, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-13133 Filed 5-5-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Proposed Operation and Maintenance Rates

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 F.R. 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 1, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to revise § 221.24, 221.26, and 221.28, Subchapter T, Chapter 1, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1977 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment and expression are deemed advisable. Accordingly, interested persons may submit written comments, suggestions, or arguments

with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Montana, 59865, on or before June 7, 1976.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1977 an assessment of $424,210.24 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 87,466.03 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1977 an assessment of $93,889.16 for the operation and maintenance of the irrigation system which serves that portion of the project within the confiines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,243.80 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District Flathead Indian Irrigation Project, Montana, on November 13, 1931, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1977 an assessment of $41,540.37 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,471.29 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOORE,
Project Engineer.

[FR Doc.76-13154 Filed 5-5-76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 32]

PROPOSED DESIGNATION OF CERTAIN LANDS AND WATERS IN VALLEY COUNTY, MONTANA

Closed Area Under Migratory Bird Treaty Act

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds as set forth below. The purpose of this designation is to aid administration of the Charles M. Russell National Wildlife Range, provide protection for the Canada goose restoration program at the Range and to improve the effectiveness of the Range for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, on or before June 7, 1976.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to Section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with Section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003). Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture or kill migratory birds is not permitted, all the land, and water areas in Valley County, Montana, within the following-described boundary:

An area of land and water in Valley County, Montana, comprising approximately 73.1 acres adjacent to the Charles M. Russell National Wildlife Range, embraced within the following boundaries:

Beginning at that point where the west boundary fence of Tract 2D, 2Da intercepts the Missouri River Dredge Cut in the SW¼, NW¼, Section 8, T26N, R41E; thence northeast at a compass heading of N 24° E for approximately 1,295 feet to that point where this line intersects the northwest corner of the small, unnamed island north of Tract 2D, 2Da, thence northeast again at a compass heading of N 67° E for approximately 1,995 feet to that point where this line intercepts the southwest abutment of the bridge on State Highway 24 where it crosses the Dredge Cut, thence southerly and westerly along the high water mark of the Dredge Cut to the beginning point, a distance of approximately 6,910 feet, encompassing approximately 73.1 acres.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

APRIL 27, 1976.

[FR Doc.76-13200 Filed 5-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

Notice is hereby given that the U.S. Department of Agriculture has under consideration the amendment of Subpart A of 7 CFR, Part 29, relating to tobacco inspection and price support services to new markets and additional sales on designated markets. Subpart A is issued pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*); the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 *et seq.*); and the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421 *et seq.*).

Statement of Consideration. The Department proposes to amend Subpart A, Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets, with regard to flue-cured tobacco so as to conform it to the regulations governing producer designation which may be found at 7 CFR 1464.2 (e) (2) (iii) and 7 CFR Part 29, Subpart G, §§ 29.9401–9406.

The proposed amendment of Sec. 29.2 (a) will eliminate designated flue-cured tobacco markets from eligibility for consideration for "additional sales." Since, as a result of producer designations, number of "sales" per market does not enter into the Secretary's consideration for the amount of services which will be provided that market, it is no longer necessary to accord interested individuals the right to petition the Secretary for additional sales for flue-cured markets.

The Department proposes to amend § 29.3(a) by changing the date for the filing of applications requesting extension of tobacco inspection and price support services to new markets from March 15 to September 15. This proposed date change will provide an applicant a more reasonable filing date, since producers

must designate markets in March to coincide with the current status of marketing of flue-cured tobacco. The September 15 date will provide sufficient opportunity for an applicant to submit an application and to give the Department time to schedule a hearing, weigh results, and issue a decision in sufficient time for the applicant to prepare for the next period of producer designations in March of the year that services would begin at the market. Consequently, applicants would be eligible to operate the new market in the same marketing season for which application is approved.

The current regulations provide that hearings on applications shall be held within 50 days following the closing date for such applications. The Department proposes to extend the 50-day period to 60 days. The increased time will provide more flexibility for the Department for the scheduling of hearings.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed amendments may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A Administration Building, Washington, D.C. 20250, not later than June 7, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular hours of business (7 CFR 1.27(b)).

The proposed amendments are set forth below.

§ 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales (except with regard to flue-cured tobacco) only as hereinafter provided. With regard to flue-cured tobacco, allocation of inspection services is based on producer designation, as provided for in 7 CFR 1464.2(e)(2)(iii), see Subpart G, below. Also, since these services shall be made available to new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) Reasonable inspection and price support services. The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market or additional sale; the roads and road distances involved in moving tobacco to the proposed new market or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market or additional sale; the volume of tobacco likely to be sold in the proposed new market or additional sale; the relationship of sales in the proposed new market or additional sale to sales in other auction markets in the producing area for that kind of tobacco; other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means; and also, as to flue-cured tobacco, data with regard to producer designations which shall include, but not be limited to, the markets currently available for the producers, who would be eligible to designate the new market, who already designate and who desire to designate the new market.

* * * * *

§ 29.3 Procedures for filing, hearing, and determination of applications.

(a) Time and place of filing. Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than September 15 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of Burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

* * * * *

(c) Hearings on applications. Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 60 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the FEDERAL REGISTER, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

* * * * *

Done at Washington, D.C. this 30th day of April, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-13174 Filed 5-5-76;8:45 am]

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Proposed Rulemaking

Consideration is being given to the following proposal, as hereinafter set forth, which would regulate the handling of fresh limes grown in Florida by continuing on and after June 20, 1976, the same minimum quality and size requirements as are currently in effect through June 19, 1976.

The proposed regulation would be reestablished pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 40 F.R. 52603), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Mexican type limes shipped to destinations outside the production area would continue to be required to grade at least U.S. No. 2, with no minimum size requirements. Persian type limes shipped to such destinations would continue to be required to grade at least U.S. Combination, Mixed Color, and to measure at least 1⅞ inches in diameter. Both types of limes shipped to destinations within the production area would continue to be exempted from pack, container, and grade requirements, except the minimum juice content requirement. Persian type limes so shipped would be required to be at least 1⅞ inches in diameter.

All persons who desire to submit written data, views, or arguments in con-

nection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 14, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1976–77 season is estimated at 1.8 million bushels. Fresh shipments for the 1976–77 season are expected to require about 850,000 bushels, which amount would be the second largest shipments of record by Florida. Shipments for the 1976–77 season began on April 1, 1976, and shipments in increased volume are being made as the season progresses. Ample supplies of limes meeting terms of the regulation are available to fill fresh market demands. The continuance of the regulation is designed to assure the handling of limes which provide consumer satisfaction and promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

1. The provisions of paragraph (a) of § 911.338 (Lime Regulation 36; 41 F.R. 16547) are hereby amended to read as follows:

§ 911.338 Lime Regulation 36.

Order. (a) During the period June 20, 1976, through April 30, 1977, no handler shall handle:

(1) * * *

* * * * *

Dated: April 29, 1976.

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

[FR Doc.76-13107 Filed 5-5-76;8:45 am]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the National Potato Promotion Board to spend $2,109,000 for its operations during the fiscal period beginning July 1, 1976, and to collect one cent ($0.01) per hundredweight on assessable potatoes handled by designated handlers under the program.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Washington, D.C. 20250, not later than May 20, 1976. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 1207.405 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1976, and ending June 30, 1977, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,109,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: April 30, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-13173 Filed 5-5-76;8:45 am]

Farmers Home Administration

[7 CFR Part 1861]

[FmHA Instruction 450.6]

ROUTINE

Federal Statute of Limitations

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1861.72 (a) of Subpart E of Part 1861, Title 7, Code of Federal Regulations (37 FR 1457, as amended at 37 FR 6180). This amendment clarifies the time within which an action for conversion of property in which the United States, through the Farmers Home Administration, has a security interest must be commenced to prevent the Federal Statute of Limitations from being asserted as a defense.

Interested persons are invited to submit written comments, suggestions, or objections to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All material received on or before June 7, 1976 will be considered. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, § 1861.72(a) will read as follows:

§ 1861.72 Time within which court action must be commenced.

(a) *Conversion of security property.* The Act provides a 3-year time limit for most actions founded upon a tort, but it provides a 6-year time limit upon an action for conversion of property of the United States. The Act does not specify which of these is applicable to conversion of property which is not owned by the United States but on which it has a security interest. We consider the six-year limitation to be applicable, but prudence dictates that actions of this type should be filed within three years until the statute is clarified by an amendment or a Supreme Court decision. In the event that a claim is not referred within three years, such referral should nevertheless be made as soon as possible.

* * * * *

(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.)

Dated: April 29, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-13106 Filed 5-5-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 75-176]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Amendments Affecting the Safe Loading and Flotation Standards

● Purpose. These proposed amendments make changes to Subparts A, C, and E of Part 183 of Title 33 of the Code of Federal Regulations in order to clarify the Coast Guard's safe loading and flotation standards. ●

The Coast Guard is considering a number of amendments that would affect the safe loading and flotation standards, subparts C and E of 33 CFR, Part 183. These amendments are summarized below.

PERMANENT APPURTENANCES

The term "permanent appurtenances" is used in both the safe loading and the flotation standards (i.e. §§ 183.33(b)(2), 183.35(b)(2), 183.37(b)(2), 183.39(a), 183.41(a), 183.43(a), 183.67(a)). Because the term is not defined, there has been some confusion and the regulations have been subject to differing interpretations.

Both the safe loading and the flotation standards require testing a boat under various conditions of loading. It is the intent of the Coast Guard that boats should be tested as they will be equipped when used by the recreational boater. Therefore, the Coast Guard requires that the weight of permanent appurtenances such as seats, windshields,

helm stations, lockers, and hard tops be taken into account during testing.

Outboard motors, controls, batteries, and portable fuel tanks are taken into account separately during testing and are not considered to be permanent appurtenances.

It is proposed to define permanent appurtenances, in a new paragraph 183.3 (h), as equipment that is mounted or fastened so that it is not removable without the use of tools. Moreover, the proposed definition specifically excludes outboard motors, controls, batteries, and portable fuel tanks. Since these weights will be excluded in the definition of permanent appurtenances, it is proposed also to delete these weights from the definition of the symbol *We* in § 183.67 (a).

BOAT WEIGHT

Maximum weight capacity (MWC) is a factor used in the flotation standard (i.e. §§ 183.63(c) and 183.67(c)). Boat weight is an element of the MWC calculation. The definition of boat weight refers to the "boat hull" (i.e. §§ 183.33(b)(2), 183.35(b)(2) and 183.37(b)(2)). Some persons have interpreted this phrase to exclude deck and superstructure. However, the Coast Guard intends to include the entire weight of the boat. Therefore, it is proposed to specify in §§ 183.33(b)(2), 183.35(b)(2), and 183.37(b)(2) that deck and superstructure components are included in the term boat weight.

Boat weight for outboard boats does not include outboard motors, controls, battery, or portable fuel tanks. However, if the boat has permanent fuel tanks, boat weight should include the weight of the fuel in the tanks. This is the case for inboard boats in § 183.33(b)(3). Thus, it is proposed to amend the definition of boat weight for outboard boats in § 183.35(b)(2) to include "full permanent fuel tanks."

APPLICABILITY OF SUBPART E

The flotation standard in Subpart E applies to monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats. The Coast Guard proposes to also exclude surface effect vehicles also known as surface effect ships (SES), ground effect machines (GEM), hovercraft, and captured air bubble vessels (CAB), submersibles, and amphibious vehicles from the regulation.

Surface effect vehicles, submersible boats, and other amphibious vehicles were previously included because they can provide transportation on the water. However, the flotation standard was not drafted with the peculiar characteristics of these special purpose vessels in mind. It is not reasonable to apply this standard to these vessels because of their characteristics. In addition, analysis of boating accident statistics reveals that imposing this standard on these special purpose vessels is not cost justified because of the low incidence of fatal accidents. Section 5 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454) requires that each standard be reasonable and meet the need of boating safety. Consequently, the Coast Guard proposes to amend § 183.61 to except surface effect vehicles, submersibles, and amphibious vehicles from Subpart E—Flotation. It is also proposed to delete the clause in § 183.61 which provides that the flotation standard applies after July 31, 1973. Since this date has passed, it may now be deleted from § 183.61.

ADDITION OF BATTERY WEIGHT

It is proposed to amend § 183.63 to include battery weight in the determination of the quantity of flotation required. This change will make clear the Coast Guard's original intent as well as make the text of § 183.63 consistent with the formula in § 183.67.

DEAD WEIGHT

The weight of full portable fuel tanks is part of the sum used in computing dead weight in accordance with Table 183.67(a), but this weight was omitted from the test of § 183.63. It is proposed, therefore, to amend § 183.63 to specifically include the weight of full portable fuel tanks in determining the quantity of flotation required.

The present instructions for computing dead weight in § 183.63 for outboard boats can result in a negative number. This anomaly occurs because the persons capacity is permitted to be as large as the maximum weight capacity posted on the boat. The use of such a negative number would result in a deficiency of flotation when tested in accordance with § 183.63(b). Therefore, the Coast Guard proposes to add a new paragraph (c) to § 183.63 to require that the value for dead weight be zero or a positive number.

In addition to the above amendments to § 183.63, it is proposed to make two minor editorial changes to the section. These changes involve relettering the paragraphs within the section and the addition of the words "in cubic feet" to indicate the unit of measure by which volume is determined.

If the proposed amendments are adopted, the effective date will be 180 days after publication of the Final Rule in the FEDERAL REGISTER and manufacturers will be allowed to comply with the provisions of these amendments before the effective date.

Any interested person may submit written data, views, or arguments concerning this notice to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. All communications received before 1976, will be considered before final action is taken on the proposed regulations. The proposals contained in this notice may be changed in light of the comments received. Each person submitting comments should include his name and address, identify this notice (CGD 75-176), and give reasons and supporting data for any recommendations. All comments will be available at Coast Guard Headquarters for public inspection.

These amendments are proposed under the authority of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1454) which authority has been delegated to the Commandant of the Coast Guard in 49 CFR 1.46(n)(1).

In consideration of the foregoing, it is proposed to amend Part 183 of Title 33 of the Code of Federal Regulations as follows:

1. Section 183.3 is amended by adding a new paragraph (h) to read as follows:

§ 183.3 Definitions.

* * * * *

(h) "Permanent appurtenances" means equipment that is mounted or fastened, so that it is not removable without the use of tools. Seats, inboard engines, windshields, helm stations, or hardtops are permanent appurtenances. Outboard motors, controls, batteries, and portable fuel tanks are not permanent appurtenances.

2. Section 183.33 is amended by revising subparagraph (b)(2) to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

* * * * *

(b) * * *

(2) "Boat weight" is the combination of—

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of the permanent appurtenances; and

(iv) Weight of full permanent full tanks.

* * * * *

3. Section 183.35 is amended by revising subparagraph (b)(2) to read as follows:

§ 183.35 Maximum weight capacity: Outboard boats.

* * * * *

(b) * * *

(2) "Boat weight" is the combination of—

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

(iv) Weight of full permanent full tanks.

4. Section 183.37 is amended by revising subparagraph (b)(2) to read as follows:

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

* * * * *

(b) * * *

(2) "Boat weight" is the combination

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

5. § 183.61 is revised to read as follows:

§ 183.61 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vehicles, and amphibious vehicles.

6. Section 183.63 is revised to read as follows:

§ 183.63 Quantity of flotation required.

(a) Each boat must have—

(1) At least that quantity of flotation prescribed in § 183.67; or

(2) Enough flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with—

(i) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(ii) A weight that, when submerged, equals 25 percent of the dead weight;

(iii) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation; and

(iv) For outboard boats, a weight that, when submerged, equals the sum of the submerged motor, control, and battery weight from Table 183.67(a).

(b) For the purpose of this section, "dead weight" means—

(1) For outboard boats and boats without mechanical propulsion, the maximum weight capacity marked on the boat minus the sum of—

(i) Motor and control weight, battery weight (dry), and full portable fuel tanks from Table 183.67(a);

(ii) The persons capacity determined under § 183.41 for the boat; and

(2) For inboard boats, the maximum weight capacity marked on the boat minus the persons capacity determined under § 183.39 for the boat.

(c) Dead weight must be zero or a positive number.

7. Section 183.67 is amended by revising paragraph (a) to read as follows:

§ 183.67 Method for determining quantity of flotation.

* * * * *

(a) Step 1: Determine the Submerged Weight of the boat (W_s) in the formula:

$$W_s=(WhK_1)+(WdK_2)+(0.69W_e)$$

Where:

W_s=Submerged weight of boat.
W_h=Dry weight of hull.
W_d=Dry weight of deck and superstructure.
W_e=Dry weight of permanent appurtenances.
K_1 and K_2=Conversion factors for materials used from Table 183.67(b).

* * * * *

Dated: April 28, 1976.

G. L. KRAINE,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.76-13206 Filed 5-5-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15692]

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (FORMERLY SUD AVIATION)

Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Societe Nationale Industrielle Aerospatiale (SNIAS) Alouette III helicopters. There have been reports of failures of the tail rotor control cables which have resulted in loss of directional control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require the incorporation of tail rotor control cables, fittings, and guides, of improved design and repetitive inspections of the new cables for proper tension and condition on certain SNIAS Alouette III helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 4, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly SUD AVIATION). Applies to Alouette III Modes SE-3160, SA-316B, SA-316C, and SA-319B helicopters, Serial Nos. 2032 and below, certificated in all categories.

Compliance is required as indicated.

To prevent failure of tail rotor control cables and the consequent loss of directional control, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, unless already accomplished, replace tail rotor control cables, fittings, and guides with improved cables, fittings, and guides in accordance with Alouette Service Bulletin No. 65.72, dated March 29, 1971, and Alouette Service Bulletin No. 65.93, dated November 14, 1972, or their equivalents approved by the Chief, Aircraft Certification Staff, c/o American Embassy, APO New York, N.Y. 09667.

(b) Within the next 100 hours time in service after the accomplishment of the modification specified in paragraph (a) of this AD, or within the next 100 hours after the effective date of this AD, whichever occurs later and thereafter at intervals not to exceed 100 hours time in service from the last inspection, inspect the cables for the proper tension, for exposed or broken wire strands and for tearing of the wirelon coating.

NOTE: During the inspection required by paragraph (b) of this AD, particular attention should be directed to condition of cables in the areas of the fittings, pulleys, and cable guides.

(c) If an exposed wire strand or a broken wire strand is found in any cable or tearing of the wirelon coating of any cable is found as a result of any inspection required by paragraph (b) or (c) of this AD, before further flight, replace that cable with a serviceable cable of same part number and continue to inspect the cables in accordance with paragraph (b) of this AD at intervals not to exceed 100 hours time in service from the last inspection.

(d) If, as a result of any of the inspections required by this AD, improper tension is found in any cable, adjust that cable for proper tension and continue to inspect the cables in accordance with paragraph (b) of this AD at intervals not to exceed 100 hours time in service from the last inspection.

Issued in Washington, D.C. on April 29, 1976.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.76-13007 Filed 5-5-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15696]

MESSERSCHMITT-BOLKOW-BLOHM ET AL.

Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to gliders manufactured by Messerschmitt-Bolkow-Blohm GmbH(MBB), Glasflugel, Schleicher, Start and Flug GmbH, Scheibe, and Schempp Hirth. There have been reports of incorrect processing at the manufacturer's facility of flight control system cable sleeves. This improper processing in conjunction with the kinds of cables installed has resulted in an accident caused by a flight control cable being cut and resultant loss of control. Since this condition is likely to exist or develop in other gliders of the same type designs, the proposed airworthiness directive would require an inspection of all cables and cable sleeves, replacement of all cables manufactured to DIN specifications, and replacement of all installed cables and cable sleeves found not to meet the appropriate specifications and tolerances for gliders manufactured by MBB, Glasflugel, Schleicher, Start and Flug, Schiebe, and Schempp Hirth.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before July 5, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date

for comments, in the rules docket for examination by interested persons.

(Secs. 313(a) 601, and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 USC 1655 (c)).)

§ 39.13 [Amended].

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

Messerschmitt-Bolkow Blohm GmbH—Applies to the Model Phoebus A1, B1, and C gliders, all serial numbers, certificated in all categories.

Glasflugel—Applies to the Model Standard Libelle gliders, all serial numbers; Standard Libelle 201B gliders, S/Ns 1 thru 497, 499 thru 501, 505 thru 521, 528 thru 530 532 thru 535, and 537 thru 562; H-301 and H 301B "Libelle" gliders, all serial numbers; and Kestrel gliders, S/Ns 1 thru 109 certificated in all categories.

Alexander Schleicher—Applies to the Model ASW-15 gliders, S/Ns 15001 thru 15183; ASW-15B gliders, S/Ns 15184 thru 15375; ASW-17 gliders, S/Ns 17001 thru 17034; K7, Ka2B; K8, K8B; ASW-12, AS-12; AS-K13; Rhonlerche II; Ka6, Ka6B, Ka6BR, Ka6C, Ka6CR, Ka6CR-PE and Ka6E gliders, all serial numbers, certificated in all categories.

Start and Flug GmbH—Applies to the Model H101 "Salto" gliders, S/Ns 46 and subsequent, certificated in all categories.

Scheibe—Applies to the Model L-Spatz 55, SF-26A Standard, SF-27A, Zugvogel IIIB, Bergfalke II 155, and Bergfalke III, gliders, all serial numbers, certificated in all categories.

Schempp-Hirth—Applies to Model Nimbus-2, Standard-Cirrus, Cirrus, SHK-1, Standard Austria-S, Standard Austria-SH, and Standard Austria SH1 gliders, all serial numbers, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent the possible in-flight failure of a flight control cable, accomplish the following:

(a) Within the next 10 hours time in service or prior to the accumulation of 20 flights after the effective date of this AD, whichever occurs sooner, inspect each flight control cable system as follows:

(1) Determine the kinds of cables installed.

NOTE: Cables manufactured to DIN specification DIN 655 (DIN L9) have a hemp core. Cables manufactured to aviation specification LN 9374 (corresponding to military specification MIL-W-1511A (4)) or LN 9389 (corresponding to military specification MIL-W-5424B) have a steel core.

(2) Determine the manufacturer and the material of the sleeves used with the cables.

(b) If, during the inspection required by paragraph (a) of this AD, any of the following combinations of flight control cables and cable sleeves are found, before further flight, measure the cable diameter, sleeve diameter, and sleeve length and, for LN cables, determine the sleeve and tool number:

(1) Cables manufactured to specification DIN 655 (DIN L9) having Talurit manufactured swaged aluminum cable sleeves.

(2) Cables manufactured to specification LN 9374 having Talurit manufactured swaged aluminum cable sleeves.

(3) Cables manufactured to specification LN 9389 having Talurit manufactured swaged brass, copper, or special copper cable sleeves.

(4) Cables manufactured to specification LN 9374 having Talurit manufactured swaged brass or copper cable sleeves.

(5) Cables manufactured to specification DIN 655 (DIN L9) having Schleicher swaged aluminum cable sleeves.

NOTE: A cable diameter slide gauge having a ±0.1 mm tolerance may be used to measure cable diameters. Sleeve diameter should be measured at the sleeve half length.

(c) If a cable diameter, sleeve diameter, or sleeve length determined in accordance with paragraph (b) of this AD does not conform to a set of appropriate parameters listed in paragraphs (c)(1) through (c)(4), comply with paragraph (d) before further flight:

(1) For cable and sleeve combinations specified in paragraph (b)(1) of this AD, the following sets of dimensions apply:

Cable diameter (mm)	+0.2 2.5 −0	+0.2 3.0 −0	+0.2 3.5 −0
Sleeve diameter (mm)	+0.2 5.4 −0.1	+0.2 6.0 −0.1	+0.2 7.0 −0.1
Sleeve length (mm)	+(No limit) 11.5 −1.0	+(No limit) 13.5 −1.0	+(No limit) 16.0 −1.0

(2) For cable and sleeve combinations specified in paragraph (b) (2) of this AD, the following sets of dimensions apply:

Cable diameter (mm)	+0.2 2.4 −0.0	+0.3 2.4 −0.0	+0.3 3.2 −0.0
Sleeve diameter (mm)	+0.2 6.0 −0.1	+0.2 7.0 −0.1	+0.2 8.0 −0.1
Sleeve length (mm)	+(No limit) 13.5 −1.0	+(No limit) 15.0 −1.0	+(No limit) 16.5 −1.0
Sleeve and tool number	3.0	3.5	4.0

(3) For cable and sleeve combinations specified in paragraphs (b)(3) and (b)(4) of this AD, the following sets of dimensions apply:

Cable diameter (mm)	+0.2 2.4 −0.0	+0.3 2.4 −0.0	+0.3 3.2 −0.0
Sleeve diameter (mm)	+0.2 6.0 −0.1	+0.2 7.0 −0.1	+0.2 8.0 −0.1
Sleeve length (mm)	+(No limit) 14.5 −1.0	+(No limit) 16.5 −1.0	+(No limit) 19.0 −1.0
Sleeve and tool number	3.0	3.5	4.0

(4) For the cable and sleeve combination specified in paragraph (b)(5) of this AD, the following set of dimensions applies:

Cable diameter (mm)	+0.2 3.0 −0
Sleeve diameter (mm)	+.2 6.5 −.2
Sleeve length (mm)	+(No limit) 13.5 −1.0

(d) If a cable or sleeve is found in accordance with paragraph (c) of this AD not to be of proper dimensions, replace the affected cable as follows:

(1) Replace DIN specification cables and LN specification cables as follows or with FAA-approved equivalents:

(i) Replace 2.5 mm diameter DIN cables with 2.4 mm diameter LN cables.

(ii) Replace 3.0, 3.2, and 3.5 mm diameter DIN cables with 3.2 mm diameter LN cables.

(iii) Replace LN cables with LN cables of the same diameter.

(2) Replace the cable sleeves with either of the following or with an FAA-approved equivalent:

(i) Talurit cable sleeves of the same material.

(ii) Nicopress cable sleeves.

(e) Prior to the accumulation of 200 flights after the effetcive date of this AD—

(1) Remove all DIN specification cables and replace with LN specification cables in accordance with paragraphs (d)(1)(i) and (d)(1)(ii) of this AD or an FAA-approved equivalent; and

(2) Replace the cable sleeves in accordance with paragraph (d)(2) of this AD.

(f) Accomplish cable and sleeve replacements required by paragraphs (d) and (e) of this AD in accordance with FAR 43.13.

(g) For purposes of this AD, a "flight" consists of a takeoff and landing sequence.

NOTE: Advisory Circular AC 43.13-1A, entitled "Aircraft Inspection and Repair" contains information relating to the proper installation of cable sleeves as well as the proper splicing techniques for cables. The following service information documents pertain to this AD.

Messerschmitt-Bolkow-Blohm GmbH—Service Bulletin No. 27-00/1, dated November 1974.

Glasflugel—Technical Notes No. 201-6, 301-27, 401-10, 501-1, 604-1 (All covered in one document dated November 26, 1974).

Alexander Schleicher—Technical Note No. 16a and 16b (for Model ASW-15 and -15B) dated November 27, 1974, and Technical Note No. 3 (for Model ASW-17), dated December 11, 1974 and Technical Note for cable connections dated November 27, 1974.

Start and Flug GmbH—Technical Note No. 101-9, dated May 1, 1974.

Scheibe—Technical Note No. 653-1/75, dated January 1975.

Schempp-Hirth—Technical Instructions No. 1, dated October 10, 1974.

Issued in Washington, D.C. on April 29, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-13150 Filed 5-5-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15695]

HAWKER SIDDELEY AVIATION LTD. MODEL HS-748 SERIES 2A AIRPLANES

Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Aviation Ltd., Model HS-748, Series 2A airplanes. There have been reports of cracks occurring in the aileron outer hinge brackets and a report of a failure of an aileron outer hinge rib that could have resulted in loss of control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections, replacement of parts, as necessary, and reinforcement of the outer and center aileron hinge structures, reinforcement of the aileron spars at the outboard aileron hinges, and reinforcement of the wing tips on the rear diaphragm of Hawker Siddeley Aviation Limited HS-748, Series 2A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before June 4, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

§ 39.13 [Amended].

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LIMITED. Applies to Model HS-748, Series 2A airplanes, certificated in all categories.

Compliance is required as indicated.

To prevent a possible loss of aileron control, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service from the last inspection, visually inspect the aileron hinge structures of the right and left wings in the areas of the outer and center hinges for damage, in accordance with the instructions set forth in Part 2A of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/25, dated October 15, 1973, or an FAA-approved equivalent.

(b) If, as a result of an inspection required by paragraph (a) of this AD, damage, in the form of cracks, loose rivets, or corroded support bearings or pivot bolts is found in any of the areas specified in paragraph (a) of this AD, before further flight, perform an internal inspection of the aileron hinge ribs where they attach to the rear spar of the wing in accordance with the instructions set forth in Part 2B of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/25, dated October 15, 1973, or an FAA-approved equivalent.

(c) If, as a result of an inspection required by either paragraph (a) or (b) of this AD, damage, in the form of cracks, loose rivets, or corroded support bearings or pivot bolts is found, before further flight, replace or repair the damaged, loose, or corroded parts in accordance with Part 2C of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/25, dated October 15, 1973, or an FAA-approved equivalent, and continue to inspect in the areas specified and at the intervals established in paragraphs (a) and (b) of this AD, as required.

(d) Within the next 1000 hours time in service after the effective date of this AD, unless already accomplished, install strengthened gusset plates to reinforce the outer and center aileron hinge ribs at both the right and left wings, in accordance with Modification 4873 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/28, dated January 2, 1974, or an FAA-approved equivalent.

(e) Within the next 1000 hours time in service after the effective date of this AD, unless already accomplished, install reinforcing straps at the top and bottom surfaces of the aileron spar area of both the right and left wings at the outboard aileron hinge positions, in accordance with Modification 4874 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/27, dated January 2, 1974, or an FAA-approved equivalent.

(f) Within the next 1000 hours time in service after the effective date of this AD, unless already accomplished, install the reinforcing plates on the right and left wing tips on the rear diaphragm in accordance with Modification 4875 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin No. 57/26, dated January 2, 1974, or an FAA-approved equivalent.

(g) Upon accomplishment of the modification specified in paragraphs (d), (e), and (f) of this AD, the inspections required by paragraphs (a) and (b) of this AD, may be terminated.

Issued in Washington, D.C. on April 30, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-13147 Filed 5-5-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15694]

MESSERSCHMITT-BOLKOW-BLOHM MODEL BO-105 HELICOPTERS

Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Messerschmitt-Bolkow-Blohm (MBB) Model BO-105 helicopters. There has been a report of cracks occurring in the main rotor hub quadruple nuts on MBB Model BO-105 helicopters, failure of which could result in the loss of the main rotor. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require periodic inspections and the replacement, as necessary, of the quadruple nuts and associated bolts on the main rotor hub of MBB Model BO-105 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before June 4, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 USC 1655(c)).)

§ 39.13 [Amended]

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MESSERSCHMITT-BOLKOW-BLOHM GmbH. Applies to Model BO-105 helicopters, certificated in all categories.

Compliance is required as indicated.

To prevent the possible failure of the main rotor hub quadruple nuts and the consequent loss of the main rotor, accomplish the following:

(a) For main rotor hub quadruple nuts, P/N's 105-14101.19 and 105-14101.20 and associated bolts, P/N's 105-14101.22 and 105-14101.23, with more than 1400 hours total time in service, within the next 100 hours time in service after the effective date of this AD, unless already accomplished within the last 200 hours time in service, and thereafter at intervals not to exceed 300 hours time in service from the last inspection, remove the quadruple nuts and associated bolts and inspect them for cracks using a magnaflux process, or an FAA-approved equivalent.

(b) If a crack is found in a nut or bolt during any of the inspections required by this AD, before further flight, replace the cracked part with a serviceable part of the same part number. For parts installed as replacements, before the accumulation of 1500 hours total time in service on the replacement parts and thereafter at intervals not to exceed 300 hours time in service from the last inspection, remove the replacement quadruple nuts and associated bolts and inspect them for cracks using a magnaflux process or an FAA-approved equivalent.

(c) Before the accumulation of 2400 hours total time in service on a quadruple nut or bolt specified in paragraph (a) of this AD, replace the quadruple nuts and associated bolts with serviceable nuts and bolts of the same part numbers and comply with paragraphs (a) and (b) of this AD for the replacement parts.

(MBB Service Bulletin No. 10-18, dated July 18, 1975, covers this same subject).

Issued in Washington, D.C. on April 30, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-13146 Filed 5-5-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WA-4]

DENVER, COLORADO

Alteration of Terminal Control Area

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would center the Denver, Colo., TCA on the Denver-Stapleton distance measuring equipment (DME) and

redefine certain lateral boundaries and floor altitudes of the TCA.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rule Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue SW., Washington, D.C. 20591.

This proposal is a result of a continuous evaluation of the airspace seeking to provide the best possible service to the airspace users.

The TCA would be redescribed based on the Denver-Stapleton distance measuring equipment (DME), colocated with the ILS transmitter serving Runway 26L. This change will permit the use of DME to determine the TCA horizontal boundaries. In addition, the following TCA lateral boundaries and floor altitudes are proposed to be redescribed.

1. The surface to 11,000 feet area would be altered to provide additional airspace for aircraft operating in the Arapahoe County Airport pattern.

2. Deletion of that portion of the present TCA located west of longitude 105° 11'00''W. would provide additional airspace in the area west of Denver over rising terrain and thus facilitate the pilot's ability to circumnavigate the TCA.

3. Lowering the present TCA floor from 10,000 feet to 9,000 feet MSL in new Area F is required to protect the localizer back course instrument approach to present Runway 17R and (future runway 17L).

4. Lowering the present 8,000 feet and 10,000 feet MSL TCA floors to 7,500 feet MSL and 8,400 feet MSL in new Areas G and D is required to protect that portion of the military instrument approach procedures to the Buckley Air National Guard Air Base which is conducted at and above 7,500 feet MSL. Military aircraft conducting these approaches descend from 7,500 feet MSL (at a point located approximately 8 miles southeast of Buckley ANGB) to a minimum altitude of 6,400 feet MSL prior to entering the Buckley ANGB Airport Traffic Area.

5. The present circular TCA area floored at 6,400 feet around Sky Ranch Airport would be eliminated due to the closure and relocation of aircraft from that airport.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by revising the Denver, Colo., TCA to read as follows:

DENVER, COLORADO TERMINAL CONTROL AREA

PRIMARY AIRPORT

Denver-Stapleton International (latitude 39°45'55'' N., longitude 104°52'46'' W.)

Denver-Stapleton distance measuring equipment (DME) antenna (latitude 39°45' 15'' N., longitude 104°51'49'' W.)

BOUNDARIES

AREA A—That airspace extending upward from the surface to and including 11,000 feet MSL within an area bounded by a line beginning at the Denver VORTAC (latitude 39°51'39'' N., longitude 104°45'08'' W.) thence south via the Denver VORTAC 180° T (167° M) radials to and west along Colfax Avenue to and south along a line 2.5-miles east of and parallel to the extended centerline of Stapleton International Airport Runway 17L/35L to and along a line of 6.5-miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R to and clockwise along a 10-mile radius arc of Stapleton International Airport DME antenna to and south along the 360° T (347° M) radial of the Denver VORTAC to the point of beginning and that airspace north of Denver between the 10- and 11-mile radius arcs of the Stapleton International Airport DME antenna bounded on the east by the Denver VORTAC 360° T (347° M) radial and on the west by a line 6-miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L, excluding Prohibited Area R-26.

AREA B—That airspace extending upward from 7,000 feet MSL to and including 11,000 feet MSL bounded on the north by the Denver VORTAC 093° T (080° M) radial, on the west of Denver VORTAC 180° T radial, on the south by Colfax Avenue, on the east by a 15-mile radius arc of Stapleton International Airport DME antenna.

AREA C—That airspace extending upward from 8,000 feet MSL to and including 11,000 feet MSL within a 15-mile radius of Stapleton International Airport DME antenna, excluding areas A, B, and G, and that area between the south boundary of area G and the 10-mile radius arc of Stapleton International Airport DME antenna.

AREA D—That airspace extending upward from 8,400 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the southern boundary of area F and on the southwest by a line 2.5-miles southwest of and parallel to the extended centerline of Buckley Air National Guard Air Base runway 14/32.

AREA E—That airspace extending upward from 10,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport DME antenna excluding Area D and F, and that area west of longitude 105°11'00'' W.

AREA F—That airspace extending upward from 9,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the Denver VORTAC 093° T (080° M) radial and on the south by Interstate Highway 70 and that airspace north of Denver bounded on the east by the Denver VORTAC 360° T (347° M) radial and on the west by a line 6-miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L.

AREA G—That airspace extending upward from 7,500 feet MSL to and including 11,000 feet MSL within an area bounded on the north by the southern boundary of Area A and B, on the southeast by the 15-mile radius arc of the Stapleton International Airport DME antenna, on the south by a line 8.5 miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R, on the southwest by a line 2.5 miles southwest of and parallel to the extended centerline of Buckley Air National Guard Base runway 14/32 and on the west by the 10-mile radius arc of the Stapleton International Airport DME antenna.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 28, 1976.

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

[FR Doc.76-13006 Filed 5-5-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-27]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-260 from Hopewell, Va., to Cofield, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 7, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would realign V-260 from over Hopewell, Va., via Franklin, Va., to Cofield, N.C.

The proposed realignment would provide continuous preferential routing with charted radials, distance and minimum en route altitudes between Franklin, Va., and Cofield, N.C.

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

Issued in Washington, D.C., on April 30, 1976.

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

[FR Doc.76-13149 Filed 5-5-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-NW-10]

EXTENSION OF A JET ROUTE

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend an existing jet route from Seattle, Wash., VORTAC to Vancouver, British Columbia, VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before June 7, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would extend Jet Route 5 from Seattle, Wash., VORTAC to Vancouver, British Columbia, VORTAC.

The extension of this jet route would conserve flight time and fuel as well as facilitate Air Traffic Control Operations.

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

Issued in Washington, D.C., on April 30, 1976.

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

[FR Doc.76-13148 Filed 5-5-76;8:45 am]

Federal Railroad Administration

[49 CFR Part 215]

[Docket No. RSFC-5, Notice 1]

RAILROAD FREIGHT CARS

Initial Periodic Inspection

The Federal Railroad Administration (FRA) is considering extension of the period allowed for completion of initial periodic inspection of railroad freight cars required by section 215.25 of the FRA Railroad Freight Car Safety Standards (49 CFR § 215.25). Conforming amendments would also be made in sections 215.11, 215.223, and 215.225 to reflect the extension (49 CFR § § 215.11, 215.223 and 215.225).

Section 215.25 now provides that a railroad freight car may not be operated after December 31, 1976 if the car has not been given its initial periodic inspection. Sections 215.11, 215.223 and 215.225 contain provisions that are interwoven with these inspections. These provisions envisioned that performance of the initial periodic inspection would furnish detailed information concerning the equipment to enable the railroads to fully comply with the requirements of these sections.

The Railroad Freight Car Safety Standards were issued by FRA on November 12, 1973 (38 FR 32224) and became effective on January 1, 1974. On December 31, 1975, the Association of American Railroads (AAR) filed a petition requesting amendment of § 215.25 to extend the time frame within which railroad freight cars must receive their initial periodic inspection until December 31, 1980. Union Tank Car Company filed a similar petition in support of the Association of American Railroads on April 6, 1976. FRA has also received a number of communications from other parties indicating that a modification of this provision may be warranted.

The petition filed by the AAR contends that a four year extension of the period for completion of initial periodic inspections of all freight cars is required for several reasons. The AAR notes that the initial regulation allowed only a three period to accomplish a program which utilizes a four year cycle. Furthermore, revisions to these regulations were made as late as July 1974 and the uniform procedures for the performance of periodic inspections were not approved until August 28, 1974. The AAR urges that the industry-wide shortages of wheels, couplers, truck sides, bolsters, and yokes in addition to adverse economic developments which include a 33 percent increase in material costs, a 15 percent increase in labor cost and a decline in business with a resultant furlough of workers, justify its request for a four year extension. Finally, the AAR urges that management of an efficient program to accomplish this initial inspection task which involves the negotiation of agreements with private shops and the potential difficulty of locating some equipment as the number of remaining cars decreases, provides justification for the proposed modification.

After carefully reviewing the AAR petition, the Union Tank Car Company supporting petition, and the other information at its disposal FRA believes that a lesser extension of the provisions relating to the date within which railroad freight cars must receive their initial periodic inspection is warranted. The AAR petition is correct concerning the dates of FRA action to revise the regulation and to approve the uniform periodic inspection procedure. Industry wide shortages of freight car components did exist generally between mid 1974 and mid 1975. These shortages, the price increases, labor cost increases and the decline in business are factors which affected the ability of the railroads to accomplish the initial periodic inspection program. These are also factors over which the railroads had no control and are factors which FRA did not envision when the regulations were issued.

However, FRA is concerned about certain other factors which are involved in any proposal to modify the regulatory provisions. The intent of the Railroad Freight Car Safety Standards was to ensure that a thorough periodic inspection was given to all freight cars as a means of improving the safety of railroad operations. In order to permit thorough initial periodic inspections to be accomplished as rapidly as possible FRA structured its regulations to permit a variety of parties actually to conduct the initial periodic inspection. FRA regulations contained provisions that were designed to provide each railroad with sufficient authority to ensure that thorough periodic inspections are conducted by other parties. This was accomplished by the requirement that the initial operating carrier's reporting marks be placed on the car subsequent to the performance of the periodic inspection.

The railroads have elected to conduct lengthy negotiation efforts concerning the subsequent responsibilities of the concerned parties for any monetary losses including monetary penalties that may be assessed by FRA as a result of deficient periodic inspection work. The negotiations had the effect of practically halting the inspection of the privately-owned freight car fleet of about 300,000 cars. The negotiations also delayed the performance of periodic inspections under the AAR interchange rules. The significance of this delay is partly reflected by the results of an FRA survey which indicates that slightly less than 25 percent of the general car fleet had been inspected by the end of 1975. This information also suggests that some railroads have been delaying the inspection of their cars in anticipation of a four year extension of the period for completing initial periodic inspections since the railroads have failed to accomplish anything but minimal adherence to the programs submitted by each railroad to FRA in compliance with the current provisions of § 215.25(c). Furthermore, FRA is concerned by the fact that most railroads have chosen to inspect their newer cars first.

FRA has carefully evaluated all of the available information and concluded that some extension of the period within which the initial periodic inspection of freight cars must be completed appears to be appropriate. FRA believes that the facts warrant a maximum two year extension of time. This additional time, coupled with work previously performed and the ability to accomplish inspection work in the remaining portion of 1976, will provide adequate time for all railroads and private car owners to complete the initial periodic inspection of the freight car fleet. In concluding that the facts and arguments advanced by the railroads and private car owners do not appear to justify a four year extension of time, FRA has considered the intent of this particular regulatory provision to enhance the safety of railroad operations and the fact that the railroads have had some measure of control over the actions which are causing the delay in the effectiveness of these standards.

Moreover, the information available to FRA does not justify a total extension of two years for all freight cars. Freight cars built prior to January 1, 1957 are approaching 20 years or more of age and will have travelled an estimated minimum average of between 350,000 to 400,000 miles in general service. There are approximately 700,000 freight cars, built prior to January 1, 1957, currently in service and FRA believes that these cars should promptly be given their initial periodic inspection. Thus, FRA proposes to revise Section 215.25 and require in paragraph (a) that all railroad freight cars, constructed before January 1, 1957, be given their initial periodic inspection by December 31, 1977.

In proposing to provide a two year time extension for the completion of the initial periodic inspection of subsequently built cars, FRA is acting to preclude the use of these cars from transporting specified hazardous materials until such time as the cars have received their initial periodic inspection. Thus, FRA proposes to require in paragraph (b) that railroad freight cars, constructed after December 31, 1956, be given their initial periodic inspection by December 31, 1978, unless that car is used to transport materials assigned the hazard class of "Flammable Gas", "Poison A" or "Class A Explosive" in § 172.101 of Chapter I of this title (41 FR 15998) in which event the car must receive its initial periodic inspection by January 1, 1978.

As noted previously the proposed revision of § 215.25 will necessitate conforming changes in related provisions. Thus, FRA is proposing that "December 31, 1976" be changed to "December 31, 1978" in §§ 215.11 (stenciling), 215.223 (prohibited cars) and 215.225 (restricted cars).

Interested persons are invited to participate in the proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment as the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested person prior to June 1, 1976. Communications should identify the docket number and notice number (RSFC–5, Notice 1), and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before June 30, 1976 will be considered by the Federal Railroad Administrator before final action is taken on the proposed amendments. Comments received after that date will be considered to the extent practical. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

In consideration of the foregoing it is proposed to amend Part 215 as set forth below.

1. It is proposed to amend § 215.11 by substituting "December 31, 1978" for "December 31, 1976", in paragraphs (b), (c) (7) and (e) (1) (i), as follows:

§ 215.11 Stenciling.

* * * * *

(b) After December 31, 1974, each railroad freight car described in § 215.225(a) which has received its initial periodic inspection under § 215.25 or which the railroad knows, or has notice, that it is described under § 215.225, and after December 31, 1978, every car described in § 215.225(a), must be stenciled or otherwise displayed in clearly legible letters on each side as follows: * * *

(c) * * *

(7) After December 31, 1978, except for a car originally constructed or reconditioned within the period required by § 215.25 for periodic inspection, the symbol "INSP" followed by—

* * * * *

(e) * * *

(i) * * *

(i) After December 31, 1978, inspected as prescribed by § 215.27 unless stenciling or other display under paragraph (c) (7) of this section indicates that the car otherwise complies with the inspection requirements of § 215.25; and

* * * * *

2. It is proposed to revise § 215.25 by amending paragraph (a), adding a new paragraph (b) and redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, as follows:

§ 215.25 Periodic inspection required.

(a) *Cars Constructed Before January 1, 1957.*

After December 31, 1977, railroad freight cars that were originally constructed before January 1, 1957 may not be operated unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c) (6).

(b) *Cars Constructed after December 31, 1956.* After December 31, 1977, railroad freight cars constructed after December 31, 1956, may not be used to transport materials assigned the hazard class of "Flammable Gas", "Poison A" or "Class A Explosives" in § 172.101 of Chapter I of this title (41 FR 15998) and, after December 31, 1978, railroad freight cars constructed after December 31, 1956, may not be operated unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c) (6).

(c) For the purpose of this section, a "high utilization car" is a car—(1) Specifically equipped to carry trucks, automobiles, containers, trailers, or removable trailer bodies for the transportation of freight; or

(2) Assigned to a train which operates in a continuous round trip cycle between the same two points.

(d) Before June 1, 1974, each railroad that is in operation on January 1, 1974, and has in service railroad freight cars to which this part applies shall submit to the Federal Railroad Administrator for approval under § 215.29 three copies of a program to bring all those cars into compliance with paragraphs (a) and (b) of this section by January 1, 1977. Each railroad that commences operations after January 1, 1974, shall submit a program to the Administrator for approval at least 90 days before the date it commences operations. Each program submitted to the Administrator for approval must include procedures to be followed by inspection personnel to assure compliance with all applicable requirements of this part.

3. It is proposed to amend § 215.223(c) to read as follows:

§ 215.223 Prohibited cars.

* * * * *

(c) December 31, 1978.

* * * * *

4. It is proposed to amend § 215.225(b) to read by substituting "December 31, 1978" for "December 31, 1976", as follows:

§ 21.225 Restricted Cars.

* * * * *

(b) Subject to the requirements of paragraph (d) of this section, a railroad may operate railroad freight cars described in paragraph (a) of this section only under conditions approved by the Federal Railroad Administrator, after December 31, 1974, if the car has received its initial periodic inspection under § 215.25 or the railroad knows or has notice that the car is equipped with the design or component; or December 31, 1978. Petitions for approval must be submitted to the Administrator in triplicate at least 90 days before the date the approval is requested to become effective. Each petition for approval must state:

* * * * *

(Sec. 202, 84 Stat. 971, (45 U.S.C. 431) and § 1.49(n) of the regulations of the Secretary of Transportation 49 CFR 1.49(n).)

Issued in Washington, D.C. on April 30, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-13130 Filed 5-5-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-8; Notice 4]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Proposed Two-Lamp Rectangular Headlamp System

This notice changes the proposal published on April 15, 1976 (41 FR 15870), that would amend 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment, to allow use of a two-lamp rectangular headlamp system, (Docket No. 76-8; Notice 3).

Motor Vehicle Safety Standard No. 108 requires that specified items of motor vehicle lighting equipment "shall be designed to conform" to the SAE Standards or Recommended Practices incorporated by reference in Tables I and III of the standard. As the agency has commented before (37 FR 22803), this language is basically inappropriate for a motor vehicle safety standard which should be worded so as to leave no doubt whether a particular product when tested is in conformity. Accordingly, NHTSA intends to propose in the next few months, as part of a comprehensive revision of the lighting standard, that all lighting equipment (other than a Type 2B headlamp) eventually be required "to conform" to the referenced SAE materials. As part of the agency's plan, Notice 3 proposed that the two-lamp rectangular system "shall conform" with SAE Recommended Practice J1132 as of the amendment's proposed effective date—the publication date of the final rule.

General Motors (GM) has objected to this aspect of the proposal, saying that it would establish a more stringent standard for the two-lamp rectangular system than for other headlamp systems. Because of the importance of this rulemaking action GM has asked NHTSA to change the proposal, to require that Type 2B headlamps only be "designed to conform". The agency agrees, on the basis that from the standpoint of regulatory symmetry it is preferable to have a uniform effective date on which all lighting "shall conform". In addition there are certain aspects of the forthcoming major Notice which would affect a Type 2B headlamp in other ways. Accordingly the agency is changing Notice 3 to propose that each Type 2B headlamp shall be "designed to conform" to SAE Recommended Practice J1132. If Standard No. 108 is amended to allow use of Type 2B headlamps, then a further proposal will follow in due course that a Type 2B headlamp "shall conform" not only with J1132 but also with the photometrics and other aspects affecting all headlamps that may have ben proposed in the interim.

The agency is also providing an additional two weeks in which to comment on the two-lamp rectangular headlamp proposal. Comments are now due as of the close of business June 25, 1976.

In consideration of the foregoing, in FR Doc. 76-10418 appearing in the issue of April 15, 1976, the phrase "Each Type 2B headlamp shall conform" appearing at the beginning of the final sentence of proposed S4.1.1.34(a) is changed to read: "Each Type 2B headlamp shall be designed to conform * * *."

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 30, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-13255 Filed 5-3-76;5:10 pm]

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

[CM-6/51]

OVERSEAS SCHOOLS ADVISORY COUNCIL

Meeting

The Executive Committee of the Overseas Schools Advisory Council, Department of State, will meet Thursday, May 27, 1976, 9:30 AM in the Twelfth Floor Conference Room at the U.S. Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.

Agenda items scheduled for discussion are as follows:

I. Welcome to Council Members and Explanation of the Purpose of the Meeting

II. Status Report of the 1975/1976 "Fair Share" Presentation

III. Proposed Council Activities in the Second Phase of OSAC's Program of Assistance to the Overseas Schools and the U.S. Business and Foundation Community

A. Progress Report Relating to Local Fund-Raising Activities Planned by the Schools and Participation of the Regional Associations

B. Further Discussion of Specific Projects to Be Undertaken by the Council

C. Report of Membership of U.S. Business and Foundation Executives on Boards of Directors of Overseas Schools in 1975/1976 and Encouragement of Greater Participation Required Because of Second Phase

D. Assistant Secretary John M. Thomas' Letter to U.S. Chiefs of Mission

E. Council's Letter to Heads of U.S. Business Firms and Foundations

IV. Selection of Date for Full Council Meeting

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9600, prior to May 27. The public may participate in discussions, at the Chairman's instructions.

Dated: April 28, 1976.

ERNEST N. MANNINO,
Executive Secretary,
Overseas Schools Advisory Council.

[FR Doc.76-13161 Filed 5-5-76;8:45 am]

[CM-6/53]

SHIPPING COORDINATING COMMITTEE

Meeting

A meeting of the Subcommittee on Maritime Law of the Shipping Coordinating Committee will be held at 10:00 a.m. on Friday, June 18, 1976, in Room 1408 of the Department of State, 2201 C Street, NW., Washington, D.C. The meeting will be open to the public.

The Secretary-General of the Intergovernmental Maritime Consultative Organization (IMCO) has approved the convening November 1-19, 1976, in London of an International Conference on Limitation of Liability for Maritime Claims. The purpose of the Conference is to investigate the possible adoption of a revised instrument to replace the 1957 Convention relating to the Limitation of the Liability of Owners of Sea-Going Ships.

The purpose of the meeting is to solicit points of view to be considered in formulating the U.S. position regarding the Conference.

Any questions concerning this meeting should be directed to Mr. John R. Crook, Office of the Legal Adviser, Department of State. He may be reached by telephone on (area code 202) 632-1571.

Comments from the public will be welcomed.

JOHN P. STEINMETZ,
Acting Director,
Office of Maritime Affairs.

APRIL 27, 1976.

[FR Doc.76-13163 Filed 5-5-76;8:45 am]

[CM-6/52]

INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on June 2, 1976 at 10:00 a.m. in Room 752 of the Federal Communications Commission, 1919 M St., NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The meeting will consider the development of a U.S. position to be taken at an international CCITT meeting now scheduled for July 7-9, 1976 in Geneva, Switzerland on the question of the international monetary unit to be utilized in the settlement of accounts in international telecommunications relations.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: April 28, 1976.

GORDON L. HUFFCUTT,
Acting Director, Office of International Communications Policy.

[FR Doc.76-13162 Filed 5-5-76;8:45 am]

[Public Notice CM-6/54]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act, notice is given that the Northwest Atlantic Fisheries Advisory Committee to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), will hold a meeting on Tuesday, May 25, 1976, at the John F. Kennedy Federal Building in Boston, Massachusetts.

The meeting will be devoted to discussions on and development of the U.S. negotiating position for the Annual Meeting of ICNAF, to be held May 31 to June 23, 1976. Pursuant to Section 4 of the Northwest Atlantic Fisheries Act of 1950, which provides that "the Advisory Committee * * * shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commisisoners * * *" the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. This discussion will necessarily involve discussion of classified national security information related to the Law of the Sea, the premature disclosure of which could reasonably be expected to cause damage to the national security (pursuant to Executive Order 11652) and would adversely affect the ability of the U.S. negotiators at the Annual Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that the meeting will involve discussion of matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the meeting will not be open to the public.

Dated: May 3, 1976.

LEO N. SCHOWENGERDT, Jr.,
Office of Oceans and Fisheries Affairs.

[FR Doc.76-13176 Filed 5-5-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

AC ADAPTERS FROM JAPAN

Antidumping; Amendment of Withholding of Appraisement Notice

A "Withholding of Appraisement Notice" with respect to AC adapters from Japan was published in the FEDERAL REGISTER of April 8, 1976 (41 F.R. 14909).

That notice is hereby amended by deleting the last sentence of the first para-

graph and inserting the following sentence:

"For the purposes of this investigation, the term 'AC adapter' does not include those AC adapters physically incorporated into another finished electronic product prior to exportation or AC adapters not physically incorporated into other finished products but included in the same package for sale at unitary price."

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-13167 Filed 5-5-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD NET TECHNICAL ASSESSMENT TASK FORCE

Cancelled Meeting

The Defense Science Board Net Technical Assessment Task Force cancels its meeting scheduled for 5 and 6 May 1976 at the Central Intelligence Agency, Langley, Virginia, as published in the FEDERAL REGISTER of April 9, 1976 (FR Doc. 76-10225).

Dated: May 4, 1976.

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

[FR Doc.76-13450 Filed 5-5-76;11:32 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL; ARMED CAR COMMITTEE

Meeting

Notice is hereby given that the Armored Car Committee of LEAA's Private Security Advisory Council (PSAC) will meet Monday and Tuesday, May 24 & 25, 1976. The meeting will convene at 9:30 a.m. May 24 in the 13th Floor Conference Room at LEAA Headquarters, 633 Indiana Avenue, N.W., Washington, D.C. The meeting is scheduled to adjourn by Noon, May 25.

This will be the first meeting of this new PSAC Committee. The Committee has been established to examine the specific nature of crime prevention services rendered by the armored car industry, to identify problem areas, and to make recommendations to alleviate these problems. At this organizational meeting, the Committee will be introduced to the work of the PSAC, will consider the specific functions and needs of the industry, and will begin to address its assignment. The meeting will be open to the public.

For further information, please contact: Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-13189 Filed 5-5-76;8:45 am]

PRIVATE SECURITY ADVISORY COUNCIL; LAW ENFORCEMENT/PRIVATE SECURITY RELATIONSHIPS COMM.

Meeting

Notice is hereby given that the Law Enforcemment/Private Security Relationships Committee of LEAA's Private Security Advisory Council (PSAC) will meet Thursday and Friday, May 27 & 28, 1976. The meeting will convene at 9:30 a.m. May 27 in the River Room, Jacksonville Hilton Hotel, 565 So. Main Street, Jacksonville, Florida. The meeting is scheduled to adjourn by Noon, May 28.

The Committee will continue to develop its study of the relationships between public law enforcement and private security. Specific agenda items include: development of a model code of ethics for private security personnel; review of a working paper on scope of legal authority for private security; and examination of areas of conflict between public law enforcement and private security. The meeting will be open to the public.

For further information, please contact: Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-13188 Filed 5-5-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SALMON DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given, in accordance with Public Law 92-463, that a meeting of the Salmon District Multiple Use Advisory Board will be held beginning at 8:00 A.M., June 10, 1976, at Challis, Idaho.

The Advisory Board was established to advise the Salmon District Manager on matters relating to the use, management, protection, and disposition of lands and resources administered by the Bureau of Land Management within its Salmon District of Idaho.

The purpose of the meeting is to tour the Challis Planning Unit and familiarize the Board members with the resources that are considered in the Challis Planning Unit Grazing Environmental Impact Statement.

The meeting is open to the public. It is expected that 10 persons will be able to attend the session in addition to the Board members. Such persons must provide their own transportation on the tour. Interested persons may make written requests for attendance to the Advisory Board. Such requests should be made to the official listed below at least 10 days prior to the meeting. Time will be made available from 4:30 to 5:00 P.M. for interested persons to make statements to the Advisory Board.

Further information concerning this meeting may be obtained from Harry R. Finlayson, District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, telephone 208-756-2201. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Salmon District Office, Highway 93 South, Salmon, Idaho.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.76-13155 Filed 5-5-76;8:45 am]

COOS BAY DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Coos Bay District Advisory Board will meet on June 2, 1976, commencing at 10:00 a.m., in the Coos Bay District Office, Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon. The agenda for the meeting includes a review of the Transition Quarter Timber Sale Plan and salvage program, tree improvement activities, YCC camp progress, oil and gas environmental analysis record, and a discussion of public interaction with the planning system.

The meeting will be open to the public. It will be held in a room accommodating 80 people. In addition to discusion of agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or district manager prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman in care of: Coos Bay District Manager, P.O. Box 1139, Coos Bay, Oregon 97420.

Dated: April 28, 1976.

EDWARD G. STAUBER,
Coos Bay District Manager.

[FR Doc.76-13196 Filed 5-5-76;8:45 am]

GRAND JUNCTION, COLORADO

District Advisory Board Meeting

Notice is hereby given that the Grand Junction District, Bureau of Land Management, Multiple Use Advisory Board will meet June 29 and 30, 1976.

The meeting will begin at 8:00 a.m., June 29, 1976, in the 3rd floor courtroom of the Federal Building, 4th and Rood, Grand Junction, Colorado.

The agenda for the meeting includes a thorough study of the management of

rivers in the Grand Junction District. To achieve this, a one-day trip will be taken down the Colorado River followed by an indoor meeting on June 30 to develop recommendations on river management to the District Manager.

Other items on the agenda will include consideration of projects for which advisory board funds will be expended, and a general report on the status of district programs.

The meeting on June 30 is open to the public. It will begin at 8:30 a.m. and also be held at the location given before. The river trip on June 29 will be limited to advisory board members and Bureau of Land Management employees due to limited accommodations on the river trip. Interested persons may make brief oral presentations to the Board on June 30 or file written statements. Persons who wish to make oral statements should notify the Grand Junction District Manager, P.O. Box 1509, Grand Junction, Colorado 81501 (Phone 303/242/8515) prior to the meeting.

DALE R. ANDRUS,
State Director.

[FR Doc.76-13197 Filed 5-5-76;8:45 am]

[Nev-036338]

NEVADA

Request for Renewal, in Part, of Withdrawn Lands and Request for Withdrawal of Additional Lands

APRIL 28, 1976.

The Corps of Engineers on behalf of the Department of the Air Force has filed the above application for renewal of the withdrawal authorized by Public Law 87-310, approved September 26, 1961, as to the lands described below. The lands will continue to be segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 S., R. 57 E., (Unsurveyed)
Secs. 1-36, incl.;
T. 16 S., R. 57 E., (Unsurveyed)
Secs. 1-6, incl.;
Sec. 7, NE¼;
Secs. 8-16, incl.;
Sec. 17, NE¼;
Sec. 20, SE¼SW¼, S½SE¼;
Sec. 21, NE¼, SW¼,SW¼;
Secs. 22-26, incl.;
Sec. 27, NE¼;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼, NE¼NW¼;
Sec. 35, NE¼;
Sec. 36.
T. 15 S., R. 58 E., (Unsurveyed)
Secs. 1-36, incl.;
T. 16 S., R. 58 E., (Unsurveyed)
Secs. 1-7, incl.;
Sec. 8, NW¼, S½;
Sec. 16, W½;
Secs. 17-21, incl.;
Sec. 22, SW¼;
Secs. 27-34, incl.;
T. 17 S., R. 58 E.,
Secs. 1-4, incl.;
Sec. 5, NE¼;
Sec. 9, NE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 11 and 12;
Sec. 13, NW¼;
Sec. 14, N½, NE¼SW¼, SE¼;
Sec. 15, NE¼NE¼.

The area described aggregates about 79,800 acres, of which approximately 63,274 acres are within the Desert National Wildlife Range.

In addition, the applicant requested the withdrawal of the following land from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947.

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 58 E., (Unsurveyed)
Sec. 8, NE¼;
Secs. 9, 10 and 15;
Sec. 16, E½;
Sec. 22, N½, SE¼.

This area contains approximately 2,880 acres of land within the Desert National Wildlife Range.

The applicant desires the continued use of the lands now withdrawn and the added lands to support the Tactical Fighter Weapon Center's Operational Test and Evaluation Mission at Nellis Air Force Base.

On or before June 7, 1976 all persons who wish to submit comments, suggestions, or objections in connection with the proposed actions may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89509.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will recommend to the Congress whether the lands should be withdrawn as requested.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

W. J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.76-13198 Filed 5-5-76;8:45 am]

REDDING DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Redding District Multiple Use Advisory Board of the Bureau of Land Management will meet in Yreka, California, June 2 and 3, 1976. The two day meeting will be devoted to field examination of certain U.S. Bureau of Reclamation withdrawn tracts of public land in the Tulelake Basin, a presentation of the Clear Creek-Shasta MFP Step 1, a discussion of recreation management proposals on National Resource Lands located along the Klamath River and a concluding staff briefing about the Sacramento River recreation management proposals.

The first day of the meeting, June 2, will involve the field examination which will commence at 8:00 a.m. from the Miner's Inn parking lot. Members of the public wishing to participate in the field trip must furnish their own transportation.

On June 3, a meeting will be held at the Elks Club, starting at 8:00 a.m. for the purpose of presenting the following topics: Shasta-Clear Creek Planning Unit Management Framework Plan Step 1 update; staff briefings pertaining to proposed recreation management along the Klamath and Sacramento Rivers; staff summary statements on the Tulelake remnant tracts; ad hoc committee meetings and a business meeting. A full day is anticipated.

The meeting will be open to the public. Time will be made available between 12:30 and 1:30 p.m. on Thursday, June 3, for brief formal statements by members of the public. Such statements should be limited to matters set forth in the agenda.

Those wishing to make an oral statement on agenda topics should notify the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001, by close of business May 19, 1976. Any intersted person or organization may file a written statement with the board for its consideration. Such statements may be submitted at the meeting or mailed to the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001.

Further information concerning the meeting may be obtained from Mr. Art Derby, Public Affairs Officer, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001. His telephone number is (916) 246-5325.

STANLEY D. BUTZER,
Redding District Manager.

[FR Doc.76-13212 Filed 5-5-76;8:45 am]

[Utah 33194]

UTAH

Application

APRIL 29, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Robert Wise, an individual, has applied for a gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 24 E.,
Sec. 31, SW¼NE¼, SW¼.

The pipeline will convey gas from Well WK No. 2 located in Section 1, T. 21 S., R. 23 E., to the Northwest natural gas pipeline located in the SW¼NE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

[FR Doc.76-13199 Filed 5-5-76;8:45 am]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 9 A.M., E.S.T., on May 24, 1976, at the Overlook Lodge, Bear Mountain State Park, Bear Mountain, New York.

The Council was originally established by Public Law 90-543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail, including the selection of rights-of-way and standards for the erection and maintenance of markers along the Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Public Law 91-383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) to review Trail protection priorities; (2) to discuss Trail protection strategies; (3) to discuss research needs; (4) to review relocation procedures; and (5) to discuss the Council organization.

The meeting will be open to the public. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, c/o Boston National Historic Park, Charlestown Navy Yard, Boston, MA 02129, at (617) 242-1730.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and also at the Headquarters of the Appalachian Trail Conference, Box 236, Harpers Ferry, West Virginia 25425. Copies of the Minutes may also be obtained by mail by writing to the National Park Service in Boston.

Dated: April 19, 1976.

DAVID A. RICHIE,
Project Manager, Appalachian Trail.

[FR Doc.76-13135 Filed 5-5-76;8:45 am]

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, May 22, 1976, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Anthony C. Morella, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Honorable Vladimir A. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland.
Mrs. John L. Melnick, Arlington, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumberland, Maryland.
Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin F. Wesely, Chevy Chase, Maryland.
Mr. John C. Frye, Gapland, Maryland.
Mr. Rome F. Schwagel, Keedysville, Maryland.

The matters to be discussed at this meeting include:

1. Potomac River Canoe Trip.
2. Potomac River Legislation.
3. Western Maryland Railway Abandonment.
4. Legislation to Dedicate C&O Canal NHP to Justice Douglas.
5. C&O Canal 22nd Annual Reunion Hike.
6. Montgomery County AWT—Dickerson Proposal
7. Status of General Plan
8. Status of Interpretive Prospectus
9. Status of Jellystone Park Permit
10. Status of Land Acquisition
11. Status of Canal Budget
12. Status of Abner Cloud House
13. Recommendation on Guidelines for Use of Buildings along the Canal
14. Status—Canal Construction Projects
15. Superintendent's Report
16. County, State, and D.C. Reports

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: April 21, 1976.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.76-13134 Filed 5-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SAVAGE RUN UNIT; MEDICINE BOW NATIONAL FOREST

Availability of Draft Combined Environmental Statement and Land Use Plan

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement and combined land use plan for the Savage Run Unit of the Medicine Bow National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-76-09.

The environmental statement concerns the proposed action to implement a revised land use plan (Multiple-Use Plan) for the 18,900 acre Savage Run Unit.

This draft environmental statement was transmitted to CEQ on April 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

A limited number of single copies are available upon request to Alan R. Duhnkrack, Forest Supervisor; 605 Skyline Drive, Laramie, Wyoming.

Copies of the combined environmental statement and land use plan have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Alan R. Duhnkrack, Forest Supervisor, USDA Forest Service; 605 Skyline Drive, Laramie, Wyoming 82070. Comments

must be received by June 29, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: April 29, 1976.

ALAN R. DUHNKRACK,
Forest Supervisor.

[FR Doc.76-13151 Filed 5-5-76;8:45 am]

MT. WELBA LAND USE PLAN

Cancellation of Notice of Availability of Final Environmental Statement

Notice of availability of a final environmental statement for the Mount Welba Land Use Plan on the Routt National Forest was published in the FEDERAL REGISTER, Thursday, 4/29/76, Vol. 41, No. 84, page number 17951. The availability of this environmental statement has been canceled until future notice.

Dated: April 29, 1976.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.76-13152 Filed 5-5-76;8:45 am]

OIL & GAS LEASE APPLICATION; EXPLORATION & DEVELOPMENT

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 Oil & Gas Lease Applications Exploration & Development, Forest Service Report Number USDA-FS-R1(10)-FES-Adm-75-11.

The environmental statement concerns the oil and gas lease applications on 236,000 acres of National Forest lands, Flathead National Forest, Flathead County, Montana. The action in this statement consists of Forest Service recommendations to the U.S. Department of Interior, Bureau of Land Management, State Office in Billings, Montana. The recommendations are as follows: The denial of leases on approximately 53,000 acres; the granting of leases with special stipulations on approximately 59,000 acres; the granting of leases with a no-surface occupancy stipulation on approximately 32,000 acres; and the deferment of the leases on approximately 92,000 acres.

This final environmental statement was transmitted to CEQ on April 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Flathead National Forest, 290 North Main Street, Kalispell, MT 59901.
USDA, Forest Service, Glacier View Ranger Station, Columbia Falls, MT 59912.
USDA, Forest Service, Spotted Bear Ranger Station, Hungry Horse, MT 59919.
USDA, Forest Service, Hungry Horse Ranger Station, Hungry Horse, MT 59919.

A limited number of single copies are available upon request to:

USDA, Forest Service, Flathead National Forest, 290 North Main Street, Kalispell, MT 59901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: April 30, 1976.

ROBERT S. GIBSON, JR.,
Acting Forest Supervisor, Flathead National Forest.

[FR Doc.76-13153 Filed 5-5-76;8:45 am]

MEADOWS 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 Meadows Planning Unit, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-76-6.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Meadows Planning Unit on the Payette National Forest. The purpose of the plan is to allocate National Forest lands within the planning unit to specific uses and activities and resolve conflicts; establish objectives of management; meet the basic requirements of law, regulations, and policies; document management direction, management decisions, and necessary coordination between resource uses; provide for the protection, use, and development of the various resources within the planning unit; and resolve the future status of several inventoried roadless areas.

This final environmental statement was transmitted to CEQ on April 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.
District Ranger, McCall Ranger District, McCall, Idaho 83638.
District Ranger, New Meadows Ranger District, New Meadows, Idaho 83654.

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: April 29, 1976.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76-13191 Filed 5-5-76;8:45 am]

RED RIVER PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Red River Planning Unit, Forest Service Report Number USDA-FS-R1(17)-FES-Adm-76-11.

The environmental statement concerns the proposed implementation of a multiple use plan for the Red River Planning Unit, Red River Ranger District, Nezperce National Forest, Idaho County, Idaho. Approximately 88,060 acres of National Forest land are affected. Portions of four roadless areas totalling approximately 23,120 acres lie within the planning unit. This plan provides a detailed assessment of resources and management opportunities for the planning unit. In it are developed management constraints, alternatives for resource allocation and management and detailed management guidance.

This final environmental statement was transmitted to CEQ on April 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Sevice, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, Idaho 83530.
USDA, Forest Service, Red River Ranger Station, Elk City, Idaho 83525.

A limited number of single copies are available upon request to:

USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, Idaho 83530.
USDA, Forest Service, Red River Ranger Station, Elk City, Idaho 83525.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

DONALD L. BIDDISON,
Forest Supervisor, Nezperce National Forest.

APRIL 29, 1976.

[FR Doc.76-13192 Filed 5-5-76;8:45 am]

SHOSHONE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Shoshone National Forest Livestock Advisory Board will meet at the Holiday Inn in Thermopolis, Wyoming at 1:00 p.m., Friday, May 28, 1976.

The purpose of the meeting is to give board members an opportunity to present recommendations from individual grazing associations relative to livestock management and to discuss Forest policy on administration of grazing permits and other current items of interest on the Forest.

The meeting will be open to the public. Persons who wish to attend should noti-

fy Forest Supervisor John Mumma, Cody, Wyoming 82414, or call 587–4297.

The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

Dated: April 26, 1976.

JOHN W. MUMMA,
Forest Supervisor.

[FR Doc.76–13193 Filed 5–5–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF ROCHESTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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

Docket number: 76–00254. Applicant: University of Rochester School of Medicine and Dentistry, Dept. of Radiology, 601 Elmwood Avenue, Rochester, New York 14642. Article: Rotex—instrument for cytology. Manufacturer: Ursus Konsult AB, Sweden. Intended use of article: The article is intended to be used for research on cells of human lungs and lymph nodes. Searches will be conducted for malignant or other irregular cells for early recognition of cell problems with resultant early treatment. The article will also be used in connection with the training and education of radiology residents.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with an indwelling needle screw which increases the number of cells gathered in a biopsy. The Department of Health, Education, and Welfare advises in its memorandum dated April 12, 1976 that (1) the feature described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

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

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

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–13131 Filed 5–5–76;8:45 am]

KENTUCKY BAPTIST HOSPITAL ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 26, 1976.

Amended regulations issued under cited Act, (40 F.R. 12253 et seq. 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00370. Applicant: Kentucky Baptist Hospital, 810 Barret Avenue, Louisville, Kentucky 40204. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigations of brain tumors, hematomas and atrophy. A study will be made as to the way malignant tumors extend into different areas of the brain in an effort to determine whether or not they follow the pathways of the nerve tracts in the brain. In addition, the article will also be used for educating the entire Greater Louisville medical community in the indications for computerized X-ray tomography examination and the benefits to the patient which may be derived. Application received by Commissioner of Customs: April 8, 1976.

Docket number: 76–00371. Applicant: University of Illinois—Urbana-Champaign Campus. Purchasing Division, 223 Administration Bldg., Urbana, Ill. 61801. Article: Windowless Helium Resonance Lamp with Gas Manifold. Manufacturer: University of Sinkoping, Sweden. Intended use of article: The article is intended to be used for angularly resolved photo-emission experiments on layer crystals such as TiS_2, $TiSe_2$. Studies will be carried out on band structure and charge density wave phenomena. Work is being done by Ph.D. candidate as part of thesis research and physics course, Physics 497. Application received by Commissioner of Customs: April 13, 1976.

Docket number: 76–00372. Applicant: Westinghouse Hanford Company, P.O. Box 1970, Richland, Washington 99352. Article: Automatic Sparking Ion Source Flange Assembly to fit existing JMS–01–B Mass Spectrometer and Glove Box. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to control the high voltage spark on the spark source mass spectrograph which is used for the analysis of many different sample types. Application received by Commissioner of Customs: April 13, 1976.

Docket number: 76–00373. Applicant: University of Michigan, Great Lakes Research Division, Inst. of Sci. & Technology Bldg., Ann Arbor, MI 48109. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for both thick and thin sectioning of complex biological tissues and unicellular algae. These sections, in turn, will be examined in a transmission electron microscope for polyphosphate deposition as well as be analyzed by X-ray energy dispersive analysis. Application received by Commissioner of Customs: April 13, 1976.

Docket number: 76–00374. Applicant: U.S. Department of Agriculture, Fruit and Vegetable Chemistry Laboratory, 263 South Chester Avenue, Pasadena, California 91106. Article: Nuclear Magnetic Resonance Spectrometer System, Model No. JNM–EX–60. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for studies of natural products isolated from plant or microbial sources, or derivatives prepared from these products. They include bitter constituents of citrus, sweeteners derived from these bitter constituents, carotenoid pigments, and bioregulators. Research will be carried out to determine the chemical structures of these materials or to determine how they bind to proteins and enzymes. Application received by Commissioner of Customs: April 13, 1976.

Docket number: 76–00375. Applicant: University of Missouri-St. Louis, 8001 Natural Bridge Road, St. Louis, Missouri 63121. Article: Miniature Micromanipulators, Model MM–33 with GO–5 magnetic base and accessories. Manufacturer: Narishige Scientific Instruments Laboratory, Japan. Intended use of article: The article is intended to be used in the course Neurophysiology (Biology 322) for experimental studies of nerve cell function. Application received by Commissioner of Customs: April 13, 1976.

Docket number: 76–00376. Applicant: University of Pennsylvania, Department of Chemistry, 231 S. 34th Street, Philadelphia, Pa. 19174. Article: NMR Spectrometer accessories, consisting of Standard Plug-in Unit, frequency 8 MHz with Standard Probe Head. Manufacturer: Spin-Lock Ltd., Canada. In-

tended use of article: The articles are plug in units which will be used to convert an existing 33 MHz spectrometer to 8 MHz so that it can be used for the study of the nuclear magnetic relaxation of solid D_2 at temperatures below 1K. The article will also be used in the course Chemistry 999 to give graduate students experience in original scientific research. Application received by Commissioner of Customs: April 15, 1976.

Docket number: 76–00377. Applicant: University of Pennsylvania, 3451 Walnut Street, Franklin Building, Philadelphia, PA 19174. Article: Electron Microscope, Model HU–12A and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to carry out and support investigations in the field of reproduction biology. Specific projects will include:

(1) *Stereological Quantitation of Steroid-Secreting Ovarian Cells In Vivo and In Vitro*—A study aimed at (a) correlating volumetric ultrastructural changes of cell organelles with steroid secretion by ovarian cells (b) establishing baseline parameters (volume and surface organelle density) of developmental and functional stages in ovarian follicular cells.

(2) *Stereological Analysis of Mucus Secretion in Cultured Mammalian Endocervical Cells.*

Application received by Commissioner of Customs: April 15, 1976.

Docket number: 76–00378. Applicant: University of Oregon, Department of Geology, Eugene, Oregon 97403. Article: Scanning Electron Microscope, Model JSM–35U and accessories Manufacturer: Jeol, Japan Intended use of article: The article is intended to be used for studies of glasses (mostly silicate glasses synthesized in the applicant's laboratory) and their devitrification products Experiments are aimed at fully characterizing the devitrification products resulting from various thermal treatments of synthetic glasses of variable composition The article will also be used for educational purposes in the courses: Geology 407, "Electron Probe Microanalyzer and Scanning Electron Microscope", Geology 501, "Research", and Geology 503, "Thesis" Application received by Commissioner of Customs: April 15, 1976.

Docket number: 76–00379. Applicant: The Regents of the University of California, University of California, Irvine, Irvine, California 92717. Article: Electron Microscope, Model JEM 100C/SEG (Side Entry Goniometer) ±60 degrees eucentric goniometer. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the investigation of varied research problems ranging from studies of molecules to studies on organs, tissues and cells. Research projects to be conducted will include the following:

(1) Investigating various aspects of the synaptic vesicles in the nervous system.

(2) Ultrastructural examination of active gene complexes.

(3) Study of various aspects of cell ultrastructure following exposure to a laser microbeam.

(4) Study of the cell surface employing both transmission and scanning electron microscopy.

The article will also be used for teaching electron microscopy to undergraduates, graduates students, and postdoctoral students. Application received by Commissioner of Customs: April 15, 1976.

Docket number: 76–00380. Applicant: University of Illinois, College of Dentistry, 801 South Paulina, Chicago, Ill. 60612. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens derived from humans and experimental animals. Experiments to be performed include the following: cellular control of mineralization, using rat and amphibian enamel and dentin in normal and experimentally altered states; quantitative electron microscopic studies of cytoplasmic organelles in orthokeratinized leukoplakias; cytologic mechanisms involved in various disease processes and identification of the role of macromolecules and cells in formation of secondary and sclerotic dentin formation. The objectives pursued in the course of these investigations include improved understanding of the basic mechanism of mineralization, further elaboration of intricate cytologic mechanisms involved in various disease processes and identification of the role of macromolecules and cells in formation of secondary and sclerotic dentin. Application received by Commissioner of Customs: April 15, 1976.

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

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–13132 Filed 5–5–76;8:45 am]

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m., on June 9, 1976, in Room 3817, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.

2. Report on Conditions in the Export Market.

3. Recent Foreign Restrictions Affecting Textiles.

4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Feedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: May 3, 1976.

ARTHUR GAREL,
Director, Office of Textiles.

[FR Doc.76–13251 Filed 5–5–76;8:45 am]

Economic Development Administration

LISBON SHOES, INC.

Petition for a Determination

A petition by Lisbon Shoes, Inc., 9 Whitcher Street, Lisbon, New Hampshire 03585, a producer of footwear for women, was accepted for filing on April 27, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93–618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–13186 Filed 5–5–76;8:45 am]

THURLOW LEATHERWORLD

Notice of Petition for a Determination

A petition by Thurlow Leatherworld, 4807 Mercury Street, No. E, San Diego, California 92111, a producer of leather gloves, was accepted for filing on April 28, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93–618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers,

or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-13187 Filed 5-5-76;8:45 am]

Maritime Administration

[Docket No. S-506]

AMERICAN PRESIDENT LINES, LTD.

Application

Notice is hereby given that American President Lines, Ltd., has filed an application pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (the Act), for domestic rights and approvals which are to be related to the services to be covered by a proposed new twenty-year operating-differential subsidy contract.

American Presidents Lines, Ltd. (APL) applies for written permission for vessels operating in the Atlantic/Straits Service as described in the proposed twenty-year contract (which has been the subject of proceedings pursuant to section 605(c) of the Act under Docket S-417) to carry any cargo between Atlantic coast ports and any ports in California.

As information, APL has written permission pursuant to section 805(a) now existing under Operating-Differential Subsidy Agreement, Contract No. FMB-50 between APL and the United States as follows:

Atlantic/Straits Service: for vessels operating on the service to carry refrigerated cargoes only in the intercoastal service westbound, and to call at Los Angeles only for the purpose of loading cargoes to be carried in the intercoastal service eastbound.

Also as information, pursuant to the proviso clause of section 805(a), APL has westbound intercoastal "grandfather rights" for the Operator's subsidized Round-the-World (Westbound) Service; these rights are not the subject of this Notice.

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on May 20, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interests, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastsal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: May 4, 1976.

ROBERT J. PATTON, JR.,
Assistant Secretary.

[FR Doc. 76-13409 Filed 5-5-76;8:45 am]

National Oceanic and Atmospheric Administration

WILLIAM L. DOVEL

Issuance of Endangered Species Permit—E11

On January 26, 1975, notice was published in the FEDERAL REGISTER (41 F.R. 3767) that an application had been filed with the National Marine Fisheries Service by Mr. William L. Dovel, Coordinator, Estuarine Study Group, Boyce Thompson Institute for Plant Research, Inc., 1086 North Broadway, Yonkers, New York 10701, for a Scientific Purposes Permit to take an unspecified number of shortnose sturgeon (*Acipenser brevirostrum*), an endangered species of fish.

Notice is hereby given that, on April 30, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to Mr. William L. Dovel, subject to certain conditions set forth therein.

The Permit authorizes Mr. Dovel to take (until August 1, 1978) shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following research activities: (1) capture in the Hudson River from Tappan Zee, New York, to Albany, New York, by research trawling and by incidental catch in gill nets set by commercial fishermen acting as agents of Mr. Dovel; (2) recording physical and other observational data on the specimens collected; (3) marking by tagging or branding the specimens collected; (4) temporarily retaining certain captured specimens in running water containers; (5) release of all live specimens into the Hudson River at or near the site of capture; and (6) retention, for scientific documentation purposes, of all captured specimens inadvertently killed. An unspecified number of shortnose sturgeon may be captured and observed but not more than 100 shortnose sturgeon over 18 inches total length are to be marked. As indicated, these activities are subject to certain permit conditions, one of them being that no shortnose sturgeon are to be killed or caused to be killed.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 5Q CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 F.R. 41367, November 27, 1974).

The Scientific Purposes Permit is available for review by interested persons in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 30, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-13194 Filed 5-5-76;8:45 am]

SEA GRANT ADVISORY PANEL

Partially Closed Meeting

The Sea Grant Advisory Panel will meet from 9:00 A.M. to 5:00 P.M. on May 27, 1976, and from 8:30 A.M. to 3:00 P.M. on May 28, 1976, in Room 6802, Main Commerce Building, 14th Street and Constitution Ave., N.W., Washington, D.C.

The Panel was established in 1967, and advises the Secretary of Commerce on policy with respect to the establishment and operation of a national network of Sea Grant Colleges and programs; major individual program and project proposals requesting financial support, and plans and policies governing execution of the National Sea Grant Program, under the National Sea Grant College and Program Act of 1966, as amended (33 U.S.C. 1121-1124).

The Panel's meeting agenda is as follows:

MAY 27, 1976

A. Review of Grant Proposals and Applications for Institutional Programs and Coherent Area Projects submitted to the Office of Sea Grant for consideration.

B. St. Croix Artificial Upwelling Project.

C. Consideration of Candidates for Designation by NOAA as Sea Grant Colleges.

MAY 28, 1976

D. Review of Sea Grant Legislation Progress.

E. Status of NACOA Review.

F. Program Development Strategy.

G. Extended Jurisdiction Initiative.

H. Discussion with Sea Grant Directors.

Agenda items A, B, and C will deal with matters listed in 5 U.S.C. 552(b)(5).

Agenda items D through H, on May 28 will be open to public attendance. Approximately thirty seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment the chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

With respect to agenda items A, B, and C, the Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Administration formally determined on April 29, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act, that these items should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552(b)(5), i.e., inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. (A copy of the determination is available for public inspection and copying.

Minutes of the open portion of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant Program, 3300 Whitehaven Parkway, Washington, D.C. 20235.

For further information, contact Mr. Arthur G. Alexiou, Associate Director of Programs, at above address. Telephone: (202) 634-4019.

Dated: April 30, 1976.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.76-13195 Filed 5-5-76;8:45 am]

Office of the Secretary

COMMERCIAL DEVELOPMENT OF THE OCEANS

Conference

The Maritime Administration and the National Oceanic and Atmospheric Administration within the Department of Commerce, in cooperation with the Energy Research and Development Administration and the Department of the Interior, are sponsoring a conference on the commercial development of the oceans from June 9 to June 12, 1976. The first day of the conference will be in the Department of Commerce Auditorium and the last three days will be at Airlie House, Airlie, Virginia.

The purpose of the meeting will be to discuss the technology that will be needed in the coming years to properly develop the ocean's resources. The areas being considered are: Oil and Gas, Hard Minerals, Living Resources, Ocean Siting, and Municipal Services.

Date: May 4, 1976.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc.76-13410 Filed 5-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of June 1976:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

June 14-16; 9:30 a.m.

Conference Room 14-105, Parklawn Building, Rockville, Maryland.

Open—June 14. Closed—Otherwise.

Contact Mrs. Zelia Diggs, Room 11-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: On June 14, the meeting will be open for discussion of NIMH policy issues. These will include current administrative legislative and program developments. Otherwise, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552(b)(5) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3600.

Dated: April 30, 1976.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-13168 Filed 5-5-76;8:45 am]

ALCOHOL TRAINING REVIEW COMMITTEE

Meeting Correction

In FR Doc. 76-9308 appearing at page 13980 in the issue of Thursday, April 1, 1976, the meeting dates of the Alcohol Training Review Committee should be changed from May 23-25, 1976 to May 24-25, 1976. In addition, the open portion of the meeting should be changed from May 23, 9:00 a.m. to 11:00 a.m., to May 24, 9:00 a.m. to 11:00 a.m.

Dated: April 30, 1976.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 76-13169 Filed 5-5-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on May 26 and 27, 1976 from 9:00 A.M. to 4:00 P.M. each day, at Hotel Dupont Plaza, Connecticut and Massachusetts Avenues, N.W., Wash., D.C., 20036.

The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, P.L. 93-380, (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative

remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress a report on such survey. The report shall include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of Section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:

WEDNESDAY, MAY 26, 1976

9:00 A.M. "Next Steps for Career Education * * *", John W. Porter, Superintendent of Public Instruction, Michigan State Department of Education.

10:30 A.M. "Next Steps for Career Education * * * (Cont.)," Sidney P. Marland, Jr., President, College Entrance Examination Board.

12:00 Noon Lunch.

1:30 P.M. "Next Steps for Career Education * * * (Cont.)," Harold Hodgkinson, Director of the National Institute of Education accompanied by Corine Reider, Associate Director of the Education & Work Group, N.I.E.

3:00 P.M. Committee Reports and Council Business.

THURSDAY, MAY 27, 1976

9:00 A.M. "Next Steps for Career Education * * * (Cont.)," Larry J. Bailey, Professor, Department of Occupational Education, Southern Illinois University.

10:30 A.M. Presentation by Dr. Virginia B. Smith, Director, Fund for the Improvement of Postsecondary Education, Office of the Assistant Secretary of Education, HEW.

12:00 Noon Lunch.

1:30 P.M. Review and discussion of "Survey and Assessment of Career Education in the Public Schools."

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education, located in Room 3100, 7th and D Streets, S.W., Washington, D.C., 20202).

Signed at Washington, D.C. this 30th day of April 1976.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.76-13190 Filed 5-5-76;8:45 am]

Office of the Secretary

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1456, January 9, 1974, as amended), is amended to reflect the deletion of the dental disease prevention function from the Division of Dentistry, Bureau of Health Manpower, Health Resources Administration, so that this responsibility can be assumed by the Bureau of State Services, Center for Disease Control.

Sec. 7-B Organization and Functions is changed as follows: Under the heading entitled Bureau of Health Manpower (7E00), amend the statement for the Division of Dentistry (7E33) by deleting item (4) and renumbering items (5), (6), and (7) to read (4), (5), and (6).

Dated: April 26, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-13202 Filed 5-5-76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended) is amended to reflect the reorganization of the Office of Personnel Management (OPM), which follows the decentralization of personnel operating services from OPM to the Public Health Service agencies.

Section 11-B Organization and Functions is amended by deleting the statements for the Office of Personnel Management (1N1907 through 1N19079) and substituting the following:

Office of Personnel Management (1N1907). The Director of the Office of Personnel Management (OPM) serves as the principal advisor on all Public Health Service (PHS) personnel management and training activities. Represents the Office of the Assistant Secretary for Health (OASH) and the PHS agencies in contact with the Department, the Civil Service Commission and such other Federal agencies as may be required, in personnel management matters. Provides leadership and direction for a coordinated personnel management program for the PHS, embracing both the Commissioned Corps and Civil Service personnel systems. Develops personnel management objectives for the PHS agencies, and the policies and standards necessary to advance these objectives. Plans, develops and administers a comprehensive personnel program for the PHS Commissioned Corps. Develops and administers plans for the evaluation of all personnel activities, in accordance with standards and policies established by the PHS, the Department, the Civil Service Commission, the General Accounting Office and the Office of Management and Budget. Plans and administers a personnel management program for the OASH and provides common needs training for the PHS agencies in the Parklawn complex. Coordinates staff reviews of personnel actions and related matters sent to the OASH for approval and/or forwarding to the Office of the Secretary.

Division of Personnel Policy, Planning and Evaluation (1N19702). Serves as the OPH focal point in developing plans to facilitate the implementation of personnel policies, regulations and procedures throughout the PHS. Develops, implements and monitors a comprehensive operational planning system for establishing personnel management goals in support of the PHS mission. Develops and administers a system for evaluation of personnel management policies and practices throughout the PHS. Works cooperatively with other components of OPM in developing personnel management objectives and authorities. Develops policy and program issuances in the areas of evaluation, objectives formulation, and program planning to achieve these goals. Reviews pending and enacted legislation for actual or potential impact on the personnel functions, authorities and resources of the PHS.

Division of Commissioned Personnel Operations (1N19073). Administers a comprehensive personnel management program for the Public Health Service Commissioned Corps. Performs all operating functions associated with the Commissioned Corps personnel system. Provides advice and counsel concerning rights and benefits to members of the Corps. Provides guidance and assistance to the OASH and the PHS agencies concerning personnel management of the Commissioned Corps. Serves as the central repository for all records reflecting the service and status of members of the Corps.

Division of Position Management and Compensation (1N19074). Plans, develops and/or coordinates policies and programs in areas of position management, wage administration, position classification, supergrade and equivalent position utilization and control for the PHS agencies, encompassing both Civil Service and Commissioned Corps. Provides advice and guidance to PHS agencies on wage and salary standards interpretation, position structure, job engineering, job enlargement and related matters. Establishes guidelines and policies associated with special pay for Commissioned Corps personnel. Monitors programs in these areas to ensure conformance to Department and PHS policies, procedures and guidelines.

Division of Human Resources Planning and Development (1N19076). Develops policies and programs in the areas of training, career planning, human resources development, staffing and recruitment. Conducts and/or coordinates studies and programs to forecast future staffing requirements. Plans and develops policies and guidelines to provide for effective programs that recognize future personnel needs and maximum utilization of PHS human resources. Plans, develops and/or coordinates policies and programs for training, development and career planning for persons occupying positions common to all PHS agencies and the OASH, with particular emphasis on health professions, and managerial and executive manpower. Provides lead-

ership, advice and assistance to PHS officials on recruitment, placement, retention, career development and training programs. Provides and encourages participation in common needs training for all PHS employees in the Parklawn Complex.

Dated: April 26, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-13203 Filed 5-5-76;8:45 am]

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Civilian Health and Medical Programs of the Uniformed Services (Champus) Delegations of Authority

Notice is hereby given that the following delegations of authority have been made under the Dependents' Medical Care Act of 1956, as amended (10 USC 1071 et seq.).

1. Delegation from the Secretary to the Assistant Secretary for Health of all authorities vested in the Secretary of Health, Education, and Welfare by the Dependents' Medical Care Act, as amended (10 USC 1071 et seq.) including authority to consult with the Secretary of Defense or his designee and to approve and issue joint regulations therewith.

Previous delegations made by the Secretary of Health, Education, and Welfare under the Dependents' Medical Care Act, as amended, are hereby rescinded. Previous redelegations made under the Secretary's delegation of Dependents' Medical Care Act authority are, to the extent that they are consistent with this delegation, continued until rescinded.

These authorities, except for the authority to consult with the Secretary of Defense or his designee and the authority to approve and issue joint regulations therewith, may be redelegated.

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, all those authorities delegated under the Dependents' Medical Care Act to the Assistant Secretary for Health with the exception of authority to consult with the Secretary of Defense or his designee and the authority to approve and issue joint regulations therewith.

Previous redelegations of authority which were in effect within the Health Services Administration on the date of signature of this delegation and not inconsistent with this delegation may continue in effect for no more than 90 days from the signature date of this delegation. At the end of such 90 days, all prior redelegations within the Health Services Administration are rescinded.

The above authorities were effective on April 19, 1976.

Dated: April 27, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-13201 Filed 5-5-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-078]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from March 2, 1976 to April 2, 1976 (List No. 5-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

MARINE BUOYANT DEVICE

The Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/51/0, 160.064/52/0, 160.064/53/0, 160.064/54/0, 160.064/446/0, 160.064/447/0, 160.064/448/0, 160.064/449/0, and 160.064/450/0 were therefore terminated effective March 24, 1976.

The Midwest Outerwear, Inc., Port Washington, Wisconsin 53074, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/375/0, 160.064/376/0, 160.064/377/0, 160.064/378/0/, 160.064/458/0, 160.064/459/0, and 160.064/460/0 were therefore terminated effective March 24, 1976.

The Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, no longer manufactures certain marine buoyant devices and Approval Nos. 160./064/511/0, 160.064/512/0, 160.064/513/0, 160.064/514/0, and 160.064/515/0 were therefore terminated effective March 2, 1976.

The America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/887/0, 160.064/888/0, 160.064/889/0, and 160.064/890/0 were therefore terminated effective March 30, 1976.

PROTECTING COVER FOR LIFEBOATS

The Gentex Corporation, Carbondale, Pennsylvania 18407, no longer manufactures certain protecting covers for lifeboats and Approval No. 160.065/5/0 was therefore terminated effective March 2, 1976.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Keene Corporation, Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, New Jersey 08540, Approval No. 164.009/49/0 expired and was terminated effective April 2, 1976.

Dated: April 29, 1976.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-13207 Filed 5-5-76;8:45 am]

[CCGD5-76-02R]

PRESIDENT'S CUP REGATTA WASHINGTON, D.C.

Special Local Regulations

Under the authority of the Act of April 28, 1908 (35 Stat. 69) as amended, and 33 CFR 100.35, as amended, this notice promulgates special local regulations for the President's Cup Regatta. These special local regulations are established to insure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after this regatta. Since these special rules must be made effective in less than 30 days to apply at the time of the scheduled event, I find that notice and public procedure on the issuance of these rules is impracticable and contrary to the public interest and that they may be made effective in less than 30 days from publication.

(A) Location. The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from

the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant, thence along a line of bearing 240° T. to the Virgina shore, upstream thence along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(B) Regulations. (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations are enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69 as amended, sec. 6(b)(1) 80 Stat. 937; 46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

Effective Dates. These regulations are effective from 9:00 a.m. EDST until 6:00 p.m. EDST on May 26, 27, 28, 29, and 30, 1976.

Dated: April 20, 1976.

J. E. JOHANSEN,
Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc.76-13208 Filed 5-5-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with the Commission's investigation of Indian economic development.

These hearings are being held in accordance with the Commission's mandate to "review * * * the policies, practices, and structure of the federal agencies charged with protecting Indian resources and providing services to the Indians," and to collect and compile "data necessary to understand the extent of Indian needs which presently exist or will exist in the near future." The Commission Task Force on Reservation and Resource Development and Protection will also participate in these hearings.

Senator James Abourezk (D-SD) will chair the hearings on May 29 and 30, 1976, at the Scottsdale Hilton, 6333 N. Scottsdale Road at Lincoln, Scottsdale, Arizona.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to Task Force No. 7's investigation of reservation and resource development and protection.

Persons wishing to testify or desiring further information should call Kirke Kickingbird at 202-225-1284 or write to his attention at the American Indian Policy Review Commission, HOB Annex No. 2, 2nd and D Streets, SW, Washington, D.C. 20515.

Dated: April 27, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-13234 Filed 5-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-4-183]

AMERICAN AIRLINES, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April, 1976.

By special tariff permission filed April 23, 1976, pursuant to Order 76-2-98, American Airlines, Inc. (American) requests authority to implement fares in selected markets constructed on a formula lower than the formula used on the remainder of its system. American requests to postpone until May 15, 1976, in selected markets its two-percent fare increase currently on file for effectiveness May 1, 1976.

In support of its application, American states that May 1, 1976, a two-percent systemwide increase in its local fares is scheduled to become effective. However, certain other carriers did not similarly increase their fares until May 15, 1976. As a result, American cannot afford to be placed at a competitive disadvantage by being forced to offer higher fares during the interim fifteen-day period.

While we are not persuaded that the exemption granted in Order 76-2-98 from the Board's Phase 9 decision is applicable to tariff filings which are to become effective after April 1, 1976, we believe the carriers should be permitted an additional thirty-day period to withdraw or postpone increases in selected markets where a competing carrier has not yet implemented a similar increase.

The present circumstances are identical to those that existed just two months ago. Although only American has sought further relief from the Board's Phase 9 decision, we will include all carriers in order to afford others the same opportunity.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly section 416(b) thereof,

It is ordered that: The U.S. trunkline and local service carriers be and they hereby are exempted from the requirements of Order 74-12-109 for a period of thirty days from the date of service hereof to the extent necessary to permit them to file tariffs containing fares in selected markets constructed on a fare formula lower than the formula used on the remainder of their systems where such action is necessary to maintain or return to a previously existing competitive posture.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13221 Filed 5-5-76;8:45 am]

[Order 76-4-180; Docket 29198]

ALASKA AIRLINES, INC., ET AL.

Domestic Passenger-Fare Increase; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April, 1976.

By tariff revisions[1] marked to become effective May 1, 1976, Alaska Airlines, Inc. (Alaska) proposes a general systemwide fare increase of three percent. Effective the same date, Northfest Airlines, Inc. (Northwest) and Western Air Lines, Inc., (Western) propose to increase their 48 state-Alaska fares also by three percent.

Alaska contends that the proposed increase is necessary because of continuing inflationary pressures which affect it as well as the rest of the industry. The carrier notes that the last fare increase which it has been able to implement (five percent in its southeast Alaska markets) was in September 1974.[2] The carrier also notes that fares in the 48 states have increased over 20 percent since March 1974. Alaska contends that fares in Alaska markets, which in the past have been established at a higher level than domestic fares in recognition of the higher operating cost inherent in Alaska operations, are now at nearly the same level as domestic fares. Northwest and Western advance similar arguments.

Alaska argues that, while all carriers operating in 48 state-Alaska markets experience significantly higher costs, car-

riers serving states other than Alaska have the benefit of a substantially lower-cost operation within the 48 states. As a result, the relatively high cost of service to Alaska is averaged into these carriers' system unit cost and, therefore, does not reflect the true cost of their 48 state-Alaska services. Alaska estimates a return of 9.26 percent for its passenger operation with no fare increase, including a cost-inflation adjustment to April 1, 1976 and subsidy payments, and an 11.05 percent return with the proposed three-percent fare increase (including its 10 percent freight increase which became effective March 1, 1976).

Alaska contends that its operating cost per available ton mile is 34 percent above that of the domestic trunk carriers, and that its cost per revenue ton mile is 15 percent higher. Northwest and Western also cite cost differentials (48 states-Alaska versus 48 states) for selected cost elements. Northwest estimates a rate of return for its 48 state-Alaska operation of 10.77 percent for the year 1976 without the proposed fare increase, and 11.69 percent with it. Northwest's forecast includes all operations, including cargo. Western did not submit an evaluation of its 48 state-Alaska entity, but instead couched its revenue need in terms of system operations.

Upon consideration of the tariff filings, the carriers' justifications, and all relevant matters, the Board finds that the proposed fare increase (other than in intra-Alaska markets not served by through jet service), may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the fares pending investigation. It seems clear from our analysis, discussed below, that Alaska is incurring sizeable losses in its intrastate "bush" services and that the proposed fare increase is warranted in those markets.

An evaluation of Alaska's proposal is difficult and complex for several reasons. First, Alaska's 48 state-Alaska and intra-Alaska operations should be evaluated separately, since each represents a distinct type of operation. The carrier, on the other hand, has provided only system data in its justification. Second, the Board has long evaluated the industry's revenue need on the basis of aggregate operations in a given ratemaking entity. However Alaska's competitors have provided little data which is useful in determining revenue need in this ratemaking entity. Pan American World Airways, Inc. (Pan American) has not proposed to increase its fares, and the data provided by Northwest and Western is clearly inadequate. Northwest's submission is based on total 48 state-Alaska operations, not just scheduled passenger service, despite acknowledgment in its justification that a substantial part of its operation is accommodation of increased demand for cargo service. Western's submission is based on system data and has not been demonstrated relevant in the ratemaking entity here under consideration.

However, relying on data available at the Board, we have calculated Alaska's revenue need (excluding subsidy) separately for its 48 state-Alaska and intra-Alaska "bush" operations. In doing so, we have accepted modifications in experienced data proposed by the carrier to reflect the replacement of its B–720 aircraft with B–727–100 equipment and termination of its Arctic operations. Although the equipment substitution will result in additional flying time to maintain the same level of capacity (the B–727 is configured for 96 seats as opposed to 120 seats in the B–720), we have accepted Alaska's contention that the additional mileage and frequency will not generate additional traffic and that current load-factor levels preclude any reduction in available seat-miles. On this basis, for calendar year 1975 Alaska's return is 0.94 percent in its 48 state-Alaska service; and −56.45 percent for its "bush" operations. See Appendices A and B, respectively.

While, as indicated below, we are relying on the states-Alaska results as computed, it is our judgment that the indicated return on investment is understated. It is noteworthy that, in our recent order instituting an investigation of the carrier's subsidy rate, the rate of return, including the unprofitable states-Alaska route, before subsidy was found to be 26.3 percent for 1975. (Order 76–3–147). Moreover, it is most unlikely, in our judgment, that the carrier's replacement of its B–720 aircraft with more efficient B–727–100 planes should result in a deterioration of the rate of return of the magnitude indicated by the carrier, even allowing for the added investment related to the replacement aircraft. We further note that the carrier's operations for the first quarter of 1976 represented a substantial improvement over the first quarter of 1975.[3] Finally, the carrier's low rate of return seems out of line with the much higher returns which we have derived for the other states-Alaska operators.

In any event, as shown below, when the operations of all carriers, including those of Alaska, are considered, it appears that a fare increase would not be warranted. Our evaluation of the aggregate revenue need of the total 48 state-Alaska service was accomplished by utilizing the carriers' Form 41 reports and service-segment data.[4] This evaluation indicates a return for the total 48 state-Alaska ratemaking entity of 14.51 percent. We have accepted most of the various assumptions and adjustments made by Alaska, including the level of operations assumed by that carrier with B–727–100 equipment, its operating cost levels, and costing methodology, although we are inclined to believe that this results in overstating expenses. We did, however, calculate an industry cost-inflation factor of 3.9 percent for this entity compared with the 6.59 percent used by Alaska which is based only on its operations. We also used a 10 percent cost differential for 48 state-Alaska service versus operations within the 48 states for Northwest and Western.[5] Thus, accepting arguendo most of the carriers' assumptions, and excluding any ratemaking adjustments routinely made with respect to evaluation of fare level within the 48 states (standard seating, standard load factor, utilization, and discount fare normalization) the 48 state-Alaska return on investment is about 14.5 percent without any fare increase. See Appendix A.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix C 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 C 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

[1] Revisions to Airline Tariff Publishers, Inc. Agent, Tariff C.A.B. No. 258.

[2] The most recent fare increase in its long-haul markets (Seattle-Anchorage/Fairbanks) was 5.5 percent, permitted to become effective in March 1974.

[3] The Wall Street Journal of April 27, 1976 reported Alaska's first quarter 1976 net income as $528,776 as compared with a loss of $147,286 for 1975. The carrier reported revenues of $14,400,000, an increase of 17 percent over the first quarter 1975 total of $12,300,000.

[4] Certain assumptions and allocations have been necessary; however, Domestic Passenger-Fare Investigation (DPFI) costing methodology has been followed as closely as practicable.

[5] The carriers have failed to make a case for the differentials alleged to exist. They ignore the favorable operating range of the major market, Seattle-Anchorage and, for the most part, focus on selected cost elements without actually tying the alleged impact to their 48 state-Alaska operations. The extent to which the favorable operating conditions offset higher costs is not known. However, we have made no DPFI adjustments relating to standard seating, standard load factor, utilization, or discount fares, and it is possible that such adjustments would offset any net cost differential which may exist at least in part.

Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed in the aforesaid tariff and be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13218 Filed 5-5-76;8:45 am]

[Order 76-4-181; Docket 29034, 29035]

ALASKA AIRLINES, INC. AND WIEN AIR ALASKA, INC.

Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April, 1976.

By Order 76-3-147, dated March 23, 1976, the Board instituted investigations to determine whether revised subsidy mail rates should be established for Alaska Airlines, Inc., (Alaska) and Wien Air Alaska, Inc., (Wien). The order also reopened, as of March 23, 1976, the final subsidy rates presently in effect for these carriers and directed Alaska and Wien to supply specific information for the years ending June 30, 1976 and June 30, 1977, to assist the Board in the investigations.

On April 2, 1976, Alaska petitioned the Board to reconsider and modify Order 76-3-147. Specifically, Alaska requests that it be permitted to supply the data for the years ending March 31, 1977 and March 31, 1978 instead of for the annual periods specified in the Attachment to Order 76-3-147. In addition, Alaska requests that it be allowed to file data differing from that specified in that attachment as long as the filing of such data is mutually acceptable to the carrier and the Board's staff after appropriate discussion. The carrier further requests permision, at least initially, to furnish the required data directly to the Board's Subsidy Section rather than in a public docket.

On April 9, 1976, Wien filed an Answer in support of the Petition for Reconsideration of Alaska Airlines. Wien concurs with the relief requested by Alaska and urges that it be granted. Wien requests further that the action taken to grant Alaska's petition be made equally applicable to Wien.

The Board has determined to modify the Attachment to Order 76-3-147 so as to require Alaska and Wien to supply the information specified therein for the years ending March 31, 1977 and March 31, 1978, in lieu of the periods previously specified. In addition, the carriers will be required to supply actual data for the year ended March 31, 1976, which will give the Board a factual basis for comparison with the forecast operating data supplied by the carriers to determine whether the forecast results are reasonable for subsidy purposes.

On its own initiative, the Board is further modifying the Attachment to Order 76-3-147 to require Alaska and Wien to separate the operating statistics and financial data requested for the scheduled mainline combination services into those which are subsidy-eligible and subsidy-ineligible, according to the terms of the carriers' certificates.

In view of these revisions, the Board will extend the filing due date to 45 days after the service of this order.

The Board has decided not to grant the request of Alaska and Wien that Order 76-3-147 be modified so as to permit the carriers to deviate from the prescribed format of the attachment to the order. It is essential to a thorough analysis of the carriers' subsidy needs that data be supplied, to the extent possible, in the format detailed in Order 76-3-147. Of course, the carriers are free to discuss specific data problems with the Board's staff.

As for the requests for confidentiality, neither carrier has submitted adequate reasons for justifying such a procedure at this time and such requests will therefore be denied. Alaska contends that public disclosure of the information specified in the attachment could create a delay in the investigation because of the carrier's inhibitions in revealing sensitive information that could plate it at a competitive disadvantage. Wien contends that at this stage it would be in keeping with the spirit of the nature of these proceedings to maintain confidentiality. This vague and general reasoning has not convinced the Board that the data to be supplied in this case warrants confidentiality. Inasmuch as Alaska and Wien are receiving subsidies, there are even further considerations for requiring public airing of the information. We would note, however, that neither carrier is precluded from exercising its right to seek confidential treatment of specified material under section 1104 of the Act in accordance with Rule 39 of the Board's Rules of Practice.

Therefore, except to the extent modified herein, we will reaffirm Order 76-3-147.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204, 406, and 1002(b) thereof,

It is ordered that: 1. The heading on page 1 of the Attachment to Order 76-3-147 be and it hereby is modified to read: "Information to be supplied by Alaska Airlines, Inc., and Wien Air Alaska, Inc.—Actual Data for the Year Ended March 31, 1976 and Forecast Data for the Years Ending March 31, 1977 and March 31, 1978";

2. Line I.A. under Operating Statistics on page 1 of the Attachment to Order 76-3-147 and it hereby is modified to read: "Mainline Combination Services—By Aircraft Type—Subsidy-Eligible and Subsidy-Ineligible Operations," and line I.A. under Financial Data on page 2 of the Attachment to Order 76-3-147 be and it hereby is modified to read: "Mainline Combination Services—Subsidy-Eligible and Subsidy-Ineligible Operations";

3. Alaska Airlines, Inc., and Wien Air Alaska, Inc. are directed to file with the Board, in affidavit form within 45 days after service of this order, the information specified in the Attachment to Order 76-3-147, as modified herein;

4. The Petition for Reconsideration of Alaska Airlines, Inc., in Docket 29034, and the Answer of Wien Air Alaska, Inc., in Dockets 29034 and 29035, in support of Alaska's petition, be and they hereby are denied in all other respects; and

5. This order shall be served upon Alaska Airlines, Inc., Wien Air Alaska, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13219 Filed 5-5-76;8:45 am]

[Docket 28339]

JETSAVE LTD.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 2, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 20, 1976, and the other parties on or before May 27, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 29, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-13214 Filed 5-5-76;8:45 am]

[Order 76-4-177; Dockets 28778, 28788 and 28858, 28863, 28912]

OZARK AIR LINES ET AL.

Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April, 1976.

By Order 76-1-82 adopted January 22, 1976, the Board instituted the Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case to consider whether the public convenience and necessity require

[6] Appendices A, B, and C filed as part of the original document.

the certification of an additional air carrier or carriers to engage in nonstop air transportation between Dallas/Ft. Worth and Kansas City and, if so, to determine which air carrier(s) should be authorized to provide such service. The case also includes the issue of whether the existing nonstop authority of Frontier Airlines between the two points should be modified, terminated, or suspended.

The Board's order consolidated into the proceeding the pending applications for nonstop authority between these two points filed by Texas International Airlines in Docket 28335 and by Trans World Airlines in Docket 28718. The order provided that petitions for reconsideration and motions to consolidate any other applications should be filed with the Board by February 11, 1976, and that answers thereto should be filed by February 23, 1976.

On January 26, 1976, Ozark Air Lines filed an application, in Docket 28788, for amendment of its certificate for Route 107 so as to authorize it to provide nonstop service between Kansas City, Missouri, and Houston, Texas. The application was accompanied by a motion for expedited hearing. On February 11, 1976, Ozark filed an application for nonstop authority between Kansas City and Dallas/Ft. Worth, Docket 28858. Simultaneously, Ozark filed a petition for reconsideration of Order 76–1–82 and a motion to consolidate its applications in Dockets 28788 and 28858 into the Additional Dallas/Ft. Worth-Kansas City Nonstop Case. Ozark's request to consolidate its application in Docket 28858 is unopposed. Answers in support of Ozark's petition and motion to add the Kansas City-Houston market have been filed by Delta, Frontier, TWA,[1] TXIA,[2] The City and Chamber of Commerce of Houston, the City and Chamber of Commerce of Kansas City, and the Waterloo Iowa Airport Commission. Answers opposing inclusion of the Kansas City-Houston market were filed by Braniff, and the Bureau of Operating Rights.

In support of its request to include the Kansas City-Houston market, Ozark contends that TXIA's service proposal shows that 26.5 percent of the total traffic TXIA expects to carry in the Dallas/Ft. Worth-Kansas City market and over 45 percent of its beyond traffic will be moving between Kansas City and Houston. Ozark contends that its own application is therefore essentially identical to that of TXIA in that each carrier is requesting authority to operate service between Kansas City and Houston—one via Dallas/Ft. Worth and one nonstop.[3] Ozark claims that the exclusion of its Houston-Kansas City application from contemporaneous consideration in this case would prejudice any later consideration of Ozark's application.

Delta supports inclusion of the Kansas City-Houston market[4] on grounds that this is a major monopoly market, that Delta serves both points, and that the time has come for removal of the outmoded restriction in Delta's certificate requiring it to serve Springfield, Missouri, and Memphis, Tennessee, on flights between Kansas City and Houston. Frontier supports consolidation on grounds that Ozark's application for Houston-Kansas City authority directly relates to the issue of whether TXIA could profitably operate nonstop service between Dallas/Ft. Worth and Kansas City.

Texas International supports including the issues of Kansas City-Houston nonstop authority subject to a pretrial restriction, stating that since the market is such an important part of its own proposal for a Dallas/Ft. Worth-Kansas City route it would be conducive to the dispatch of the Board's business to hear nonstop service proposals in the same case. As indicated, the civic parties support, and Braniff and the Bureau of Operating Rights oppose, inclusion of the Kansas City-Houston market in this proceeding.[5]

On February 11, 1976, North Central Airlines filed an application, in Docket 28863, for nonstop authority between Kansas City and Dallas/Ft. Worth, and between Omaha and Dallas/Ft. Worth. On the same date North Central filed a petition for reconsideration of Order 76–1–82 together with a motion to consolidate its applications in Docket 28863 into the Additional Dallas/Ft. Worth-Kansas City Nonstop Case. No one opposes North Central's motion to the extent it requests consolidation of its application for nonstop authority between Dallas/Ft. Worth and Kansas City. The only answer supporting consolidation of the Omaha-Dallas/Ft. Worth market into this proceeding was filed by the Omaha Airport Authority. Answers in opposition were filed by Braniff, Frontier, Ozark, TWA, TXIA, and the Bureau of Operating Rights.

North Central contends that in the Gulf States-Midwest Points Service Investigation decided in 1969,[6] to which the Board referred in instituting the present case, Frontier was certificated to compete with Braniff in the nonstop Dallas/Ft. Worth-Kansas City market on the grounds of its ability to provide improved single-plane Omaha-Dallas/Ft. Worth service and that Frontier's abandonment of the nonstop market has worked a serious hardship on passengers from Omaha as well as from many smaller communities in Nebraska, Iowa, Minnesota and the Dakotas.[7] The carrier contends that the market is now large enough to support nonstop service, that there has never been an investigation of Omaha's major service needs to the south, and that this proceeding presents an opportunity to remedy the situation. North Central contends, moreover, that it is entitled to a comparative hearing of its application under the *Ashbacker* Doctrine.[8]

We will consolidate into this proceeding the applications of Ozark, in Docket 28858, and of North Central, in Docket 28863, to the extent the latter requests nonstop authority between Dallas/Ft. Worth and Kansas City. Such requests conform to the scope of the proceeding as set forth in Order 76–1–82 and meet the criteria for consolidation prescribed in Rule 12 of the Board's Rules of Practice.

We will not expand the issues to include nonstop authority beween Kansas City and Houston or between Dallas/Ft. Worth and Omaha. There is no requirement that these applications be consolidated. No party had made any showing that these requests and the applications which are consolidated into the case are mutually exclusive. In any event the certification in this proceeding of an additional carrier(s), which will be able to provide one-stop service in Houston-Kansas City market or in the Dallas/Ft. Worth-Omaha market, would not preclude the Board, in future proceedings from considering the question of nonstop service in either market. All parties will have ample opportunity to present evidence in this case demonstrating the public benefits, in terms of single-plane service for Omaha or Houston, which would result from tacking a Dallas/Ft. Worth-Kansas City route onto the route system of any applicant carrier. In accordance with standard Board practice, the parties will also be permitted to introduce evidence with respect to the mutual exclusivity issue.

We conclude that it would be undesirable to consolidate consideration of nonstop service in the Houston-Kansas City or Dallas/Ft. Worth-Omaha markets into this proceeding. They are both outside the scope of the case as framed by

[1] On February 23, 1976, TWA submitted an application of its own for Kansas City-Houston nonstop rights (Docket 28912) and moved the consolidation of its application into the Additional Dallas/Ft. Worth-Kansas City Nonstop Case.

[2] TXIA, however, proposed a pretrial restriction against single-plane service between Dallas/Ft. Worth and Des Moines or Minneapolis via Kansas City.

[3] Ozark claims that competitive service in the Kansas City-Houston market is long overdue and that, if certificated, it will provide the first single-plane service between Houston, on the one hand, and Milwaukee, Des Moines, and the Quad Cities/Cedar Rapids via Kansas City. It contends that it will earn a profit and reduce its subsidy need by $2 million in the first year of operation with only minor diversion from Braniff.

[4] Delta says that it will file an application if the Houston market is consolidated.

[5] Ozark has moved to file a reply to the answers of TXIA and the Bureau. We will deny its motion as moot in view of our disposition of the Kansas City-Houston issue, infra.

[6] 52 CAB 188 (1969).

[7] Braniff's best Omaha-Dallas/Ft. Worth authority is one-stop via Kansas City or Tulsa.

[8] *Ashbacker* v. *FCC* 326 U.S. 327 (1945).

Order 76–1–82. The proceeding was designed in that order to focus on the Dallas/Ft. Worth-Kansas City market which has been found to require competitive nonstop service in the Gulf States-Midwest Points Service Investigation, 52 CAB 188 (1969). The case is already quite complex, involving several trunk and local service carriers and the issue of suspension or deletion of one carrier's authority. The Board's resources are limited and must be directed to the matters most requiring attention. It is clear from a view of the characteristics of the markets that the Dallas/Ft. Worth-Kansas City market is in greater need of attention than the other two markets proposed to be included.[9] As noted, the local O&D plus connecting traffic between Dallas/Ft. Worth and Kansas City is over twice that of the Houston market and more than four times greater than the Omaha market. The simpler and more straightforward the issues in a proceeding and the more carefully they are delimited and defined, the more expeditiously the proceeding can be concluded. It is clear from the proposal by Ozark and North Central and the responses of the other carriers that consolidation would significantly increase the geographic scope and evidentiary burden of this case and bring four times greater than the Omaha market.[10] The simpler and more straightforward the issues in a proceeding and the more carefully they are delimited and defined, the more expeditiously the proceeding can be concluded. It is clear from the proposals by Ozark and North Central and the responses of the other carriers that consolidation would significantly increase the geographic scope and evidentiary burden of this case and bring in a number of new parties.[11] If we were to include these markets, and perhaps others which could subsequently claim inclusion under the same criteria, it would transform this limited manageable case into a proceeding much larger and more difficult to complete. Consolidation, therefore, would merely serve to delay unduly the final decision in the case and would not be conducive to the proper dispatch of the Board's business. For these reasons we will not expand the proceeding beyond the scope set forth in Order 76–1–82.[12]

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[9] The primary characteristics of the Dallas/Ft. Worth-Kansas City market as compared to the two markets sought to be consolidated into this proceeding are as follows:

Year ended Mar. 31, 1975	Dallas/Ft. Worth-Kansas City	Houston-Kansas City	Dallas/Ft. Worth-Omaha
Local O. & D. plus connecting passengers	168,950	72,320	39,240
Daily one-way passengers	231	99	54
Braniff online O. & D.	158,040	68,460	32,611
Braniff share of online O. & D. (percent)	96	98	87
Braniff daily nonstop round trips, Feb. 1, 1976, OAG	7½	1	0
Braniff daily round trips, 1 or more stops, Feb. 1, 1976, OAG	8½	3	[1] 3½
Braniff nonstop load factors, 1974 (percent)	67.9	[2] 46.8	None

[1] In its answer to North Central's motion to consolidate filed on Feb. 20, 1976, Frontier alleges that within approximately 90 days in intends to inaugurate two daily B–737 one-stop round trips between Omaha, Kansas City, and Dallas/Ft. Worth.

[2] Year ended June 30, 1975.

[10] Members Minetti and West in their concurrence and dissent suggest that the Houston-Kansas City market should be included in this proceeding because the market is "about the same size, or larger than several other markets in which the Board recently either has awarded competitive authority (Philadelphia-Rochester/Syracuse; most of the Omaha and Des Moines markets) or has set applications for competitive authority for hearing (Sacramento-Denver)." They go on to suggest that failure to include the Houston-Kansas City market in this case "raises serious questions of consistency in the standards applied by the Board."

We point out that market size, whether measured by O & D traffic or otherwise, does not represent the sole determinant of the need to set down a new route proceeding or award new authority. Indeed, we recently set down the Sacramento-Denver Case even though the O & D and interline connecting passengers numbered only 61,000 in 1974 because we believed that "these figures may be understated in view of Sacramento's proximity to San Francisco, which could be producing a significant bleed-off of Sacramento traffic to San Francisco via surface means or intrastate air carrier" (Order 76–3–39, p. 5). No similar showing has been made with respect to the Houston-Kansas City market. With regard to the Philadelphia-Rochester/Syracuse and Omaha/Des Moines markets we point out that these cases were set down for hearing under the standards of the late 1960's routes program and that awards were made for a variety of reasons, not merely market size. The Philadelphia-Rochester/Syracuse markets, for example, involved the removal of a stop-restriction and the award of permissive nonstop authority to a carrier already authorized in the markets (Allegheny, in fact, actually operated one-stop service for a period) while Ozark, which is the primary proponent of the Houston-Kansas City route, seeks an extension of its system to Houston, a point which it does not now serve. We do not, therefore, view our determination to exclude the Houston-Kansas City market as inconsistent with the Board's current hearing priority standards.

[11] Ozark stresses that its proposal would encompass, not only Kansas City-Houston service, but Des Moines-Houston and Milwaukee-Houston authority, plus first single-carrier service to a number of other Midwest points. North Central, for its part, emphasizes Omaha's position as a gateway to points on the carrier's system in Nebraska, the Dakotas, and Minnesota.

[12] Contrary to Ozark's contention our determination herein not to consolidate the Houston market is fully consistent with our action in the Des Moines/Milwaukee-Phoenix Route Proceeding, Order 76–1–102. In that case Ozark had filed an application for nonstop authority between Des Moines and Phoenix and proposed to offer one-stop service in the Milwaukee-Phoenix market via Des Moines. The Board added the issue of nonstop authority in the latter market and consolidated the applications of Airwest and Western for nonstop service between the coterminal points Milwaukee and Des Moines and the terminal point Phoenix. In that case, however, there was no single-plane or even single-carrier authority in the Phoenix-Milwaukee market (except a technical authority in American at Phoenix and Des Moines as a result of the Remanded Service to Omaha and Des Moines Case, Order 75–9–19). Between Houston and Kansas City there is both a certified carrier and nonstop and one-stop service. Our action here is distinguishable also from Order 69–11–133 consolidating Las Vegas-Portland/Seattle into the Reno-Portland/Seattle Nonstop Service Investigation. In that case there was no authorized nonstop carrier in Las Vegas market which our order stated was growing faster and approaching comparability in size with the Reno-Portland/Seattle market.

Accordingly, it is ordered: 1. That the applications of Ozark Air Lines, Inc., in Docket 28858, and of North Central Airlines, Inc., in Docket 28863, to the extent that it requests amendment of its certificate so as to authorize it to engage in nonstop service between Dallas/Ft. Worth and Kansas City, be and they hereby are consolidated for hearing and decision with the Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case, Docket 28778;

2. That the motion of Ozark Air Lines, Inc., to consolidate with Docket 28778 its application in Docket 28788 for nonstop authority between Kansas City and Houston, that the motion of that carrier for expedited hearing of such application and the carrier's petition for reconsideration of Order 76–1–82 to the extent that it requests inclusion of the issue of nonstop authority between Kansas City and Houston, be and they hereby are denied;

3. That the motion of Trans World Airlines to consolidate with Docket 28778 its application in Docket 28912, be and it hereby is denied;

4. That the motion of North Central Airlines to consolidate with Docket 28778 its application in Docket 28863 for nonstop authority between Omaha and Dallas/Ft. Worth, and that North Central's petition for reconsideration of Order 76–1–82 to the extent that it requests inclusion of the issue of nonstop service between such points, in this case, be and they hereby are denied;

5. That the applications of Ozark Air Lines, Inc., in Docket 28788, of Trans World Airlines, Inc., in Docket 28912, and of North Central Airlines, Inc., in Docket 28863, to the extent that they have not been consolidated into this proceeding, be and they hereby are dismissed without prejudice; and

6. That, except to the extent granted, all other requests in the petitions, mo-

tions, and answers discussed herein, be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13216 Filed 5-5-76;8:45 am]

[Docket 29139]

REEXAMINATION OF THE BOARD'S POLICIES CONCERNING DELIBERATE OVERBOOKING AND OVERSALES

Public Meeting

Notice is hereby given that, in response to requests submitted by a number of participants in the above-identified rulemaking proceeding, a public meeting will convene at 10:00 a.m. (local time) on May 13, 1976 in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., to discuss the contents of the reports directed by the Civil Aeronautics Board by Order 76-4-56, including Appendices A and B thereto.

A number of the carriers directed to make the reports specified in Order 76-4-56 have indicated that they believe that the production of certain of the information specified in that Order is unduly burdensome. These carriers should be prepared to indicate what other information can promptly and feasibly be produced which may quantitatively demonstrate the alleged compatability of the practice of deliberate overbooking with the relevant standards and policies of the Federal Aviation Act.

This action is taken pursuant to authority delegated by 14 CFR 385.20(b).

[SEAL] SIMON J. EILENBERG,
Acting Associate General Counsel, Rules.

MAY 3, 1976.

[FR Doc.76-13215 Filed 5-5-76;8:45 am]

[Order 76-4-182; Dockets 29059, 29102]

VARIOUS CARRIERS

Domestic Passenger-Fare Increase; Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April 1976.

By tariff revisions [1] marked to become effective during May 1976, all ten domestic trunkline and eight local service carriers operating within the 48 contiguous states and the District of Columbia propose a two-percent general increase in the level of their passenger fares.[2] In support of their proposals the carriers allege, inter alia, that despite several recent modest fare increases, the need for revenue relief continues to be critical; that the Board's ratemaking adjustments have the effect of reducing expenses actually incurred to the point that no further upward fare adjustment is deemed lawful; that passenger fares must continue to rise at a rate at least equalling that of cost inflation; and that, if inflation continues, the industry will be unable to accomplish necessary asset replacement even were it to achieve a 12 percent return on investment (ROI). The carriers also raise several issues about the Board's ratemaking methodology.

The National Passenger Traffic Association, Inc. (NPTA) has filed a complaint requesting suspension of the proposed increase, stating that since November 1975 the carriers have been authorized increases totaling 6 percent, and that any further increase should not be approved without recognition of the recent increases in both passenger traffic and yield. NPTA contends that responsibility for the ratemaking disallowances which result from discount fares rests with the carriers, and that business travelers should not be forced to subsidize discount fares which are available only to pleasure travelers. NPTA contends that the Board should adhere to the ratemaking adjustments previously employed; and that consumers should not be required to pay fares which are based upon speculative, unsubstantiated future cost increases.

In answer,[3] the carriers state that the NPTA totally disregards the Board's ratemaking methodology which disallows costs, interest, and investment which are inconsistent with the Board's standards. The carriers contend that the two-percent fare increase appears justified even after these sizeable disallowances, and represents the minimum needed to offset the cost of operating at the Board's standards at this time. The carriers note that NPTA's argument concerning subsidization of discretionary travel by business travelers is without merit since the Board disregards all discount fares in its evaluation of the industry's revenue need. It is further stated that the industry's need for fare relief is not dependent upon speculative changes in cost but, rather, is artificially understated since the Board calculates cost escalation to the effective date of tariff while annualizing past fare increases over the entire 12-month base period.

Upon consideration of the proposals, the complaint, and answers thereto, and all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation, and consequently the request for suspension will be denied and the complaint dismissed.

At the outset, the Board's order is consistent with the views presented by NPTA in its complaint. As hereinafter described, we have adhered to all ratemaking adjustments previously employed, which effectively takes increases in traffic and yield into account, and protects regular fare travelers from discount fare dilution. NPTA also appears to oppose the use of a factor to estimate costs as of the tariff effective date. The rationale for this adjustment has been explained in detail in previous orders.[4] Suffice to say that we believe this methodology produces a conservative estimate of costs as of the tariff effective date (to which date we also annualize past fare increases) and does not involve recognition of speculative cost increases.

As indicated in Appendix B, after all ratemaking adjustments have been made to the calendar year 1975 base period data, the industry's ratemaking rate of return computes to 12.29 percent.[5] While this is modestly above the 12 percent guideline, it is sufficiently close to the standard to warrant approval of the proposed fair increase. It is virtually impossible to expect the carriers to be able to determine with mathematical precision, and with the information available to them, the exact fare increase needed to produce a 12 percent ROI. In fact, the increases hitherto approved by the Board have in each instance been based upon ROI calculations falling somewhat short of the 12 percent guideline. Under these circumstances, we conclude that the adjusted return which is only minimally in excess of that guideline does not warrant a suspension.[6]

The carriers continue to argue that the utilization adjustment is unreasonable and unlawful. Suffice it to say that the Board has previously answered these assertions in detail and no useful purpose would be served by a restatement here.[7] The Board has likewise explained in considerable detail the reasoning which lies behind its discount-fare adjustment.[8] We remain of the opinion that without such a adjustment the regular fare level would be burdened by discount fare travelers, and the carriers would not have sufficient incentive to discontinue unproductive discount fares or reduce the amount of the discount for those which remain useful. Recent tariff filings by a number of carriers indicate that a review of the discount fare structure is, in fact, taking place. Without in any way prejudging

[3] Minetti and West, Members, concurring and dissenting statements filed as part of the original.

[1] Revisions to Airline Tariff Publishing Company, Agent, C.A.B. No. 259.

[2] See Appendix A.

[3] Eastern, TWA, and United submitted answers.

[4] Orders 75-8-99 and 75-6-72.

[5] Including the adjustments for utilization, discount fares (excluding children's and military), annualization of past fare increases to include the increases in first-class fares mandated by Phase 9, and unit costs as of the tariff effective date.

[6] We reach this conclusion without considering the fact that inflationary trends make it extremely unlikely that the industry will earn an adjusted return in excess of 12 per cent for any significant future period. The question of altering our policy regarding recognition of future cost inflation is treated elsewhere in this order.

[7] In our evaluation of the industry's last fare increase proposal, there appeared an indication that utilization rates were increasing and that this adjustment might not thereafter be appropriate. However, this has not yet materialized and the utilization adjustment (amounting to 0.3 percentage points in the ROI) is reflected in our present calculation.

[8] See references in footnote four.

our disposition of any particular filing now pending before the Board, we nevertheless commend this as a healthy pursuit in the context of today's strengthening traffic growth.[9]

American and TWA again challenge the Board's current methodology for computing the discount fare adjustment, alleging that the disallowance of interest and investment should be made only with respect to that portion of each which is related to flight equipment (75 percent of the total), rather than against total investment. The carriers note that the Board employs a 75 percent disallowance both with respect to its load factor adjustment and utilization. However, these different approaches stem not from inconsisteincy in the Board's methodology but, rather, reflect the fact that the load-factor and utilization adjustments involve solely capacity disallowance, whereas the discount-fare adjustment involves elimination of both capacity and traffic. In the long run, a lesser volume of traffic would impact not only on investment in flight equipment but in ground facilities as well. This is consistent with the Board's conclusion in Phase 5 that carriers make investment decisions based upon total traffic and do not differentiate between full and discount-fare traffic. It is our opinion, therefore, that an adjustment must be made to the total investment and total interest if the total impact of discount fares is to be eliminated. Both American and TWA also challenge the full disallowance of related investment and interest (proportionate to the percentage reduction in ASM's) which is made to reflect traffic loss resulting from application of the —.7 price elasticity of demand. However, this is again entirely consistent with our findings in the DPFI and our treatment of investment and interest regarding the other ratemaking adjustments.[10]

Finally, the carriers have raised an issue with regard to the computation of the Board's cost-escalation factor to adjust base period average unit costs to the level as of the tariff effective date. Various carriers contend that this approach effectively permits the carriers to realize the 12 percent rate of return standard on only the one date of tariff effectiveness. It is contended that this approach fails to recognize that costs will continue to rise after the tariff becomes effective due to inflationary pressures. The result of the Board's current policy is that revenues lag behind expenses after the fare increase, until such time as the carriers can gain a further fare increase. The carriers state that this situation forces them to file for increases as frequently as on a monthly basis, simply to keep abreast of current inflationary trends. The carriers assert that, in order to assess the results which the industry can be expected to achieve during a period of time, the Board must match the costs reasonably expected to be incurred against the revenues expected to be collected. Thus, the carriers in effect argue that the Board must recognize anticipatory costs.

The carriers have raised a pertinent question as to the continued validity of our practice of evaluating the industry's revenue need as of the effective date of the proposed fare increase. However, a resolution of this issue is not required at the present time, since the proposed fare increase is warranted in any event. Moreover, the issue is of some fundamental importance and should more appropriately be given fuller consideration than is possible within the time constraints of the statutory time limits of a tariff filing. Accordingly, the Board has determined to defer consideration of this matter, and to invite comments from the carriers and other interested parties on the issue. All such comments should be filed in Docket 29059 not later than June 4, 1976. Respondents should address themselves particularly to the merits of evaluating the fare level as of the midpoint of the three-month period commencing with the effective date of the fare increase.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. The complaints in Dockets 29059 and 29102 are hereby dismissed; and

2. Copies of this order be served upon the complainants in Dockets 29059 and 29102 and all domestic scheduled certificated carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13220 Filed 5-5-76;8:45 am]

[9] In this connection, we note that the Board has just recently directed that expiration dates be placed on all those discount fares not now bearing one. Order 76-4-88.

[10] We would concede that the annualization of past fare increases involves considerations of a shorter-term nature than is the case with he discount-fare adjustment. However, it must also be recognized, as an offsetting consideration, that the practice of making the elasticity adjustment in terms of actual dollars effectively overstates the impact of fare changes upon traffic. This is so because a fare increase is but one of many factors affecting traffic growth, and we would expect that a fare increase would actually depress the volume of traffic only when it exceeds the general inflation in all consumer prices, considering also the impact of changes in disposable personal income. Thus, we do not believe our methodology to be prejudicial to the carriers.

[11] Appendices A, B, and C and dissenting statement filed as part of the original document.

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on May 23, 1976, at the Ramada Inn, I-75 Business Spur (room to be posted) and will reconvene on May 24, 1976, at 1:00 p.m. and end at 4:30 p.m. at the Malcolm Building, 460 W. Spruce St. (second floor conference room). The meeting will reconvene on May 25, 1976, at 9:00 a.m. and end at 12:00 p.m. at the St. Isaac Jogues Parish Hall, 1529 Marquette Road, all locations in Sault Ste. Marie, Michigan 49783.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn St., 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to gather information informally from local citizens on community development needs of Native Americans; continue review of Sault Ste. Marie SAC report and continue planning of future activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 3, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-13128 Filed 5-5-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM INDIA

Adjusting Import Level

MAY 5, 1976.

On October 6, 1975, there was published in the FEDERAL REGISTER (40 F.R. 46153) a letter dated October 1, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India, which establish export limitations on certain cotton textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on October 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 7 of the bilateral which provide that within the aggregate limit, the group limits for Group I (Categories 1-38 and 64) and Group II (Categories 39-63) may be exceeded by not more than 10 percent and that such limits may be increased for carryover and carryforward up to 10 percent of the applicable group limit. Within the Group I ceiling, the sublimit established for Categories 28-38 and 64 may be increased by not more than 10 percent and may be further increased for carryforward by up to five percent of the applicable subgroup limit.

Accordingly, at the request of the Government of India and pursuant to the

provisions of the bilateral agreement referred to above, there is published below a letter of May 5, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the level of restraint applicable to cotton textile products in Categories 28–38 and 64 for the twelve-month period which began on October 1, 1975.

Effective date: May 10, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

On October 1, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1975 and extending through September 30, 1976 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] The directive of October 1, 1975 was previously amended by directive of March 16, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on May 10, 1976, to prohibit entry or withdrawal from warehouse for consumption of cotton textile products in Categories 28–38 and 64 from India in excess of 11.5 million square yards equivalent.[2]

The actions taken with respect to the Government of India and with respect to imports of Cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

[FR Doc. 76–13438 Filed 5–5–76; 10:40 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) exports may be increased for carryover and carryforward up to 10 percent of the current-year's applicable limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any entries made after September 30, 1975.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 530–2 OOP–50133]

ELANCO PRODUCTS CO.

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 Elanco Products Company, Indianapolis, Indiana 46206. 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. 1471–EUP–54) allows the use of 25 pounds A.I. of the fungicide *a*-(2-chlorophenyl)-*a*-(4-chlorophenyl)-5-pyrimidinemethanol on apples to evaluate control of powdery mildew and apple scab. A total of 46 acres is involved; the program is authorized only in the States of Maryland, North Carolina, New York, Pennsylvania, Virginia, and Washington. The experimental use permit is effective from April 8, 1976, to March 8, 1977. Any crops treated under this permit will be destroyed or used for research 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 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–13113 Filed 5–5–76; 8:45 am]

[(FRL 534–5) OPP–50125]

ALBANY INTERNATIONAL CO.

Issuance of Experimental Use Permit to Conrel

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 Conrel, Norwood, Massachusetts 02062. 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. 36638–EUP–1) allows the use of 90 pounds A.I. of the pheromone (Z,Z)-7,11-hexadecadienyl acetate and (Z,E)-7,11-hexadecadienyl acetate on cotton as a confusion agent in the control of the pink bollworm. A total of 6,600 acres is involved; the program is authorized only in the States of Arizona and California. The experimental use permit is effective from April 6, 1976, to April 6, 1977. All cottonseed treated under this permit must be used for seed purposes only, or exported, or destroyed.

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 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–13114 Filed 5–5–76; 8:45 am]

[(FRL 534–4) OPP–50124]

ZOECON CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Zoecon Corporation, Palo Alto, California 94304. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 20954–EUP–5) allows the use of 375 pounds A.I. of the insecticide methoprene in small bodies of water to evaluate control of mosquitoes. A total of 123 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Minnesota, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. The experimental use permit is effective from April 7, 1976, to April 7, 1977. Since tolerances have not been established for residues of the active ingredient when applied directly to water, Zoecon Corporation must insure that no applications are made to potable water sources.

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 make 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 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-13115 Filed 5-5-76;8:45 am]

[(FRL 534-3) PP6G1690/T46]

2-CHLORO-1-(3-ETHOXY-4-NITROPHENOXY)-4-TRIFLUOROMETHYL BENZENE

Establishment of a Temporary Tolerance

Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, has submitted a pesticide petition (PP 6G1690) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy) 4-trifluoromethyl benzene and its metabolites containing the diphenyl ether linkage in or on almonds; apricots; grapes (intended for the fresh-fruit market only); nectarines; peaches; and plums (fresh prunes) (intended for the fresh fruit market only) at 0.5 part per million (ppm). Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the herbicide, therefore, with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 29, 1977. Residues not in excess of 0.5 ppm remaining in or on almonds; apricots; grapes; nectarines; peaches; and plums (fresh prunes) after this expiration date will not be considered to be actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: April 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-13116 Filed 5-5-76;8:45 am]

[(FRL 534-2) PP2G1249/T51]

THIOPHANATE METHYL

Renewal of a Temporary Tolerance

On April 16, 1975, the Environmental Protection Agency (EPA) announced (40 FR 17314) that in response to a request from Pennwalt Corp., PO Box 1297, Tacoma WA 98401, the temporary tolerances which the Agency had established (39 FR 12921) for residues of the fungicide thiophanate methyl (diemthyl[1,2-phenylene) bis (iminocarbonothioyl]bis [carbamate]) and its metabolite methyl 2-benzimidazolecarbamate (calculated as the parent compound) in response to pesticide petition (pp 2G1249) were extended for one year.

Pennwalt Corp. has subsequently requested a one-year renewal of the temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the raw agricultural commodities listed below treated in accordance with an experimental use permit that is to be renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act. The raw agricultural commodities and tolerances are as follows:

15 parts per million (ppm) resulting from preharvest and/or postharvest application in or on apricots, cherries, nectarines, peaches, and plums (fresh prunes);

7 ppm in or on apples (intended for the fresh-fruit market only);

5 ppm resulting from preharvest application in or on strawberreis.

An evaluation of the scientific data reported and other relevant material has shown that a renewal of the temporary tolerances will protect the public health, and it is concluded, therefore, that the temporary tolerances should be renewed on condition that the fungicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Penwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 29, 1976. Residues not in excess of 15 ppm in or on apricots, cherries, nectarines, peaches, and plums (fresh pruns), 77 ppm in or on apples (intended for the fresh-fruit market only), and 5 ppm in or on strawberries after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticides indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 463a(j)])

Dated: April 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Divison.

[FR Doc.76-13117 Filed 5-5-76;8:45 am]

[FRL 534-1, PP3G1316 & 3G1349/T50]

OXAMYL

Renewal of Temporary Tolerances

On March 26, 1975 the Environmental Protection Agency (EPA) announced (40 FR 13334) that in response to two pesticide petitions (PP 3G1316 & 3G1349) temporary tolerances were established for residues of the insecticide oxamyl (methyl-N', N'-dimethyl-N-[(methylcarbamoyl)oxy]-1-thiooxamidate) in or on the raw agricultural commodities citrus fruits at 3 parts per million (ppm) and apples at 2 ppm (in response to PP 3G1349), peanut hulls at 0.2 ppm, and peanuts and potatoes at 0.1 ppm (in response to PP 3G1316). These temporary tolerances expired March 20, 1976.

E. I. duPont de Nemours & Co. has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit that is to be renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that a renewal of the temporary tolerances will protect the public health, and it is concluded, therefore, that the temporary tolerances should be renewed on condition that the insecticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the insecticide to be used must not exceed the quantity authorized by the experimental use permit.

2. E. I. duPont de Nemours & Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized office or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 29, 1977. Residues not in excess of 3 ppm remaining in or on citrus fruits, 2 ppm in or on apples, 0.2 ppm in or on peanut hulls, and 0.1 ppm in or on peanuts and potatoes after this expiration date will not be considered to be actionable if the insecticide is legally applied

during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this insecticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: April 29, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-13118 Filed 5-5-76;8:45 am]

[(FRL 533-8) PP6G1731 & 6G1732/T52]

GIBBERELLIC ACID AND N-[PHENYLMETHYL]-1H-PURIN-6-AMINE

Establishment of a Temporary Tolerance

Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago IL 60064, has submitted two pesticide petitions (PP 6G1731 & 1732) to the Environmental Protection Agency (EPA). These petitions request that temporary tolerances be established for residues of the plant regulators gibberellic acid and N-[phenylmethyl] - IH - purine-6-amine in or on the raw agricultural commodity apples at 0.15 part million (ppm).

Establishment of these temporary tolerances will permit the marketing of apples treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the plant regulators, with the following provisions:

1. The total amount of the plant regulators to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 1, 1977. Residues not in excess of 0.15 part per million remaining in or on apples after this expiration date will not be considered to be actionable if the plant regulators have been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with these plant regulators indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: April 29, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-13119 Filed 5-5-76;8:45 am]

[FRL 533-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on April 7, 1976, the Environmental Protection Agency received an application from Monitor Labs, Incorporated, San Diego, California, to determine if its Model 8450 SO_2 analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Dated: April 29, 1976.

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

[FR Doc.76-13120 Filed 5-5-76;8:45 am]

[PP6G1780/T60; FRL 535-5]

ALDICARB

Establishment of a Temporary Tolerance

The Southeastern Fruit and Tree Nut Research Station, Agricultural Research Service, United States Department of Agriculture, Byron GA 31008, has submitted a pesticide petition (PP6G1780) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide aldicarb [2-methyl - 2 - (methylthio) -propionaldehyde O-(methylcarbamoyl) oxime] and its cholinesterase-inhibiting metabolites 2 - methyl-2-(methylsulfinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2 - methyl-2-(methylsulfonyl) -propionaldehyde O-(methylcarbamoyl) oxime in or on the raw agricultural commodity pecans at 0.3 part per million.

This temporary tolerance will permit the marketing of pecans treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined, that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. The Southeastern Fruit and Tree Nut Research Station must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The Research Station must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 30, 1977. Residues not in excess of 0.3 ppm remaining in or on pecans after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: April 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-13236 Filed 5-5-76;8:45 am]

[PP6F1714/T54; FRL 535-3]

BENTAZON

Establishment of a Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Rd., Parsippany NJ 07054, has submitted a pesticide petition (PP 6F1714) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the herbicide bentazon (3-isopropyl - 1*H* - 2,1,3 - benzothiadizin-4 (3*H* -one 2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural commodities rice at 0.05 part per million (ppm) and rice straw at 0.40 ppm.

Establishment of these temporary tolerances will permit the marketing of rice and rice straw treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the herbicide, therefore, with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. BASF Wyandotte Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must aso keep records of production, distribution, and performance and on request make the records available to any authorized officer or empoyee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 30, 1977. Residues not in excess of 0.05 ppm in or on rice and 0.40 ppm in or on rice straw remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the expiremental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: April 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Divisions.

[FR Doc.76-13238 Filed 5-5-76;8:45 am]

[PP5G1579/T55; FRL 535-4]

5-CHLORO-3-METHYL-4-NITRO-1H-PYRAZOLE

Renewal of a Temporary Tolerance

On April 18, 1975, the Environmental Protection Agency (EPA) announced (40 FR 17314) that in response to a pesticide petition (PP 5G1579) submitted by Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago IL 60064, a temporary tolerance was established for residues of the plant regulator 5-chloro-3-methyl-4-nitro-1H-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million (ppm). This temporary tolerance expired April 11, 1976.

Abbott Laboratories has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of oranges treated in accordance with an experimental use permit that is to be renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evalution of the scientific data reported and other relevant material has shown that a renewal of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance should be renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the plant regulator to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 30, 1977. Residues not in excess of 0.1 ppm remaining in or on oranges after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: April 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-13240 Filed 5-5-76;8:45 am]

[PP5G1553/T47; FRL 535-2]

2 - CHLORO - N - (2 - ETHYL - 6 - METHYLPHENYL) - N - (2 - METHOXY - 1 - METHYLETHYL) ACETAMIDE

Renewal of a Temporary Tolerance

On March 26, 1975, the Environmental Protection Agency (EPA) announced (40 FR 13334) that in response to a pesticide petition (PP 5G1553) submitted by Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409, temporary tolerances were estabiiihed for combined residues of the herbicide 2-chloro-*N*-(2-ethly-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl acetamide and its metabolites converted to 2-([2-ethyl-6-methylphenyl]amino) propanol (calculated as the herbicide) in or on several raw agricultural commodities as follows:

Corn fodder and forage at 0.75 part per million (ppm);

Corn grain and fresh corn, including sweet corn (kernels plus cob with husk removed) at 0.05 ppm;

Eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm.

These temporary tolerances expired March 20, 1976.

Ciba-Geigy Corp. has requested a one-year renwal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with two experimental use permits, one of which is to be renewed, the other to be issued, concurrently under the Federal Insecticile, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that a renewal of the temporary tolerances will protect the public health, and it is concluded therefore, that the temporary tolerances should be renewed on condition that the herbicide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permits.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 30, 1977. Residues not in excess of 0.75 ppm remaining in or on corn fodder and forage, 0.05 ppm in or on corn grain and fresh corn, including sweet corn (kernels plus cob with husk removed), and 0.02 ppm in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep after this expiration date will not be considered actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: April 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-13239 Filed 5-5-76;8:45 am]

[PF36; FRL 535-1]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

FAP 5H5132. FMC Corp., 100 Niagara St., Middleport NY 14105. Proposes that 21 CFR 561 be amended by establishing a regulation permitting the use of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl - N - methylcarbamate) on growing peanuts with a tolerance limitation for residues of the insecticide and its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy - 7 - benzofuranly-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro - 2 - dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol at 24 parts per million (ppm), of which no more than 3 ppm are carbamates, in the fatty acids derived from peanut soapstock, reflecting residues of 8 ppm, of which no more than 1 ppm is carbamates, in alkaline peanut soapstock. PM12

PP 6F1774. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. Proposes that 40 CFR 180.259 be amended by establishing tolerances for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite) in or the raw agricultural commodities sugarbeet roots at 0.5 ppm and sugarbeet tops at 40.0 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure utilizing a specific sulfur detector. PM13

FAP 6H5129. Uniroyal Chemical, Div. of Uniroyal, Inc. Proposes that 21 CFR 123.370 be amended by establishing a regulation permitting the use of the insecticide propargite on growing sugarbeets with a tolerance limitation of 3.0 ppm resulting in the feed sugarbeet pulp (dried). PM13

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated May 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–13240 Filed 5–5–76;8:45 am]

(FRL 534–8)

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Public Law 92–500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information has determined that hospitals is an additional category of point sources which meet the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

List of Categories of Sources

36. Hospitals

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: April 30, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76–13235 Filed 5–5–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 9 Through April 16, 1976

Notice is hereby given that during the week of April 9 through April 16, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be (May 6, 1976) or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: April 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Apr. 9 to Apr. 16, 1976.*

Date	Name and location of applicant	Case No.	Type of submission
Apr. 9, 1976	Austral Oil Co., Inc., Houston, Tex. (If granted: The price relief granted in FEA's Mar. 8, 1976, decision order would be increased.)	FEA–0804	Appeal of FEA exception decision and order in *Austral Oil Co.*, 3 FEA, par. 83,122 (Mar. 8, 1976).
Do	Department of Water and Power, Los Angeles, Calif. (If granted: FEA's refusal to release a portion of a remedial order issued to Coastal States Gas Corp. would be rescinded.)	FEA–0805	Appeal of FEA's information request denied.
Do	T. W. Phillips Gas and Oil Co., Philadelphia, Pa. (If granted: FEA's decision and order of Mar. 8, 1976, would be rescinded and T. W. Phillips Gas and Oil Co. would not be required to file form G381–M–0.)	FEA–0803, FES–0303	Appeal of FEA's exception decision and order in *T. W. Phillips Gas and Oil Co.*, 3 FEA, par. 83,130 (Mar. 8, 1976).
Apr. 12, 1976	Apex Oil Co., St. Louis, Mo. (If granted: FEA's Mar. 8, 1976, decision and order would be rescinded and Apex Oil Co. would be permitted to import on a fee-exempt basis motor gasoline and fuel oil during the current allocation period.)	FPI–0003	Appeal of FEA's exception decision and order in *Apex Oil Co.*, 3 FEA, par. 83,12 (Mar. 8, 1976).
Apr. 12, 1976	Dean's Oil Co., Inc., Pocahontas, Iowa. (If granted: Dean's Oil Co., Inc. would receive an increase in its base period use of aviation fuel.)	FEE–2389	Exception to increase its base period use.
Do	Gary Operating Co., Engelwood, Colo. (If granted: The price relief granted to *Gary Operating Co.* in FEA's Mar. 19, 1976 decision and order would be made retroactive to Mar. 1, 1976.)	FEX–0038	Supplemental order in *Gary Operating Co.*, 3 FEA, par. 83,131 (Mar. 19, 1976).
Do	Peter's Fuel Co., Oakland, Md. (If granted: Peter's Fuel Co. would be permitted to increase its prices for fuel oil above the maximum level permitted under 10 CFR 212.93.)	FEE–2390, FES–2390	Price exception (sec. 212.93).
Apr. 13, 1976	Empire Gas Corp. (Strasborg), Lebanon, Mo. (If granted: Empire Gas Corp. would be assigned a new supplier of propane gas to its Strasborg retail outlet.)	FEE–2392	Exception to change supplier.
Do	Empire Gas Corp. (Waynesville), Lebanon, Mo. (If granted: Empire Gas Corp. would be assigned a new supplier of propane gas to its Waynesville retail outlet.)	FEE–2391	Do.
Do	Fisher's Fuel, Inc., Anchorage, Alaska (If granted: Region X would reconsider Fisher's Fuel's application for assignment of a supplier and base-period use of propane and issue a revised decision and order.)	FEX–0039	Supplement to FEA's Mar. 16, 1976, decision and order in *Fisher's Fuel, Inc.*, 3 FEA, par. 80,601 (Mar. 19, 1976).
Do	Varibus Corp., Beaumont, Tex. (If granted: FEA's Mar. 23, 1976, information request denial would be rescinded.)	FEA–0806	Appeal of FEA's Mar. 23, 1976, information request denial.
Apr. 14, 1976	Atlantic Richfield Co., Dallas, Tex. (If granted: FEA's decision and order of Mar. 10, 1976, issued to Superior Oil Co. (O-Keene) would be rescinded.)	FEA–0807	Appeal of FEA exception decision and order in *Superior Oil Co.*, 3 FEA, par. 83,118 (Mar. 10, 1976).
Do	Commonwealth Natural Gas Corp., Richmond, Va. (If granted: Commonwealth Natural Gas Corp.'s base-period allocation of SNG feedstock granted in the FEA's Nov. 28, 1975, order would be increased.)	FMR–0043	Modification of FEA's order of Nov. 28, 1975.
Do	Hillsdale Aero, Inc., Hillsdale, Mich. (If granted: Hillsdale Aero, Inc. would receive an increase in its base-period use of aviation gasoline based on growth of service.)	FEE–2393	Exception to increase of its base-period use.
Do	Lincoln Land Oil Co., Springfield, Ill. (If granted: Region V's assignment orders would be rescinded and Lincoln Land Oil would receive an increase in its base-period use of gasoline on the basis that FEA has changed its criteria for granting assignments.)	FMR–0044	Request for modification of regional orders.
Do	Sundance Oil Co., Denver, Colo. (If granted: Crude oil produced from Sundance Oil Co.'s Weigand lease would be sold at upper tier ceiling prices.)	FEE–2395	Price exception (212.72).
Do	UCO Oil Co., Whittier, Calif. (If granted: UCO Oil Co. would receive a temporary stay of the requirements of 10 CFR 211.9.)	FST–0005	Request for temporary stay.
Apr. 15, 1976	Exxon Co., U.S.A., Washington, D.C. (If granted: Exxon's entitlement purchase obligations for January 1976 would be adjusted to correct for FEA's error in computing old oil receipts.)	FEA–0808	Appeal of FEA entitlement notice, Mar. 17, 1976.
Do	J-W Operating Co., Dallas, Tex. (If granted: Crude oil produced from the Eota F–1 well would be sold at upper tier ceiling prices.)	FEE–2391	Price exception (sec. 212.74).
Do	Louisiana Land and Exploration Co., Washington, D.C. (If granted: Louisiana Land and Exploration Co. would receive exceptions from 10 CFR 212.83, 212.87, and 212.111 of the mandatory petroleum allocation and price regulations.)	FEE–2397	Price exception (secs. 212.83, 212.87 and 212.111).

Date	Name and location of applicant	Case No.	Type of submission
Do	Melton Auto Service, Petersburg, Va. (If granted: Melton Auto Service would receive an increase in its base-period use of motor gasoline.)	FEE-2396	Allocation exception.
Do	Melton Auto Service, Petersburg, Va. (If granted: Melton Auto Service would receive a temporary stay of the mandatory petroleum allocation regulations.)	FST-0006	Request for temporary stay.
Do	New England Power Co., Boston, Mass. (If granted: FEA's decision and order of Mar. 31, 1976, would be rescinded and New England Power Co. would be permitted to increase its import allocation of residual fuel oil.)	FPI-0004	Appeal of FEA's decision and order, *New England Power Co.*, 3 FEA, par.———(Mar. 31, 1976).
Do	R. A. Campbell Co., Vidalia, La., (If granted: Crude oil produced from the Nolan Henderson well during the period December 1973 to March 1974 would be reclassified as stripper-well crude and R. A. Campbell Co. would not be required to refund revenues realized in excess of ceiling prices.)	FEE-2399	Price exception (sec. 212.72).
Do	Sun Oil Co., Dallas, Tex. (If granted: FEA's decision and order of Mar. 12, 1976, would be rescinded and Sun Oil Co. would be permitted to increase prices of natural gas liquid products to reflect increases in nonproduct costs in excess of $.005 per gallon.)	FEA-0809	Appeal of FEA's exception decision and order, in *Sun Oil Co.*, 3 FEA, par. 83,129 (Mar. 12, 1976).

[FR Doc.76-13084 Filed 4-30-76;4:23 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 16 Through April 23, 1976

Notice is hereby given that during the week of April 16 through April 23, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be May 6, 1976 or the date of receipt of an aggrieved person of actual notice, whichever occurs first.

Dated: April 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Apr. 16 through Apr. 23, 1976.*

Date	Name and location of applicnt	Case No.	Type of submission
Apr. 16, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: Region 9's remedial order would be rescinded and Atlantic Richfield Co.'s customers, Ashland and Digas, would be placed in a different class of purchaser.)	FEA-0810, FES-0810	Appeal of FEA's region 9 order.
Do	Nestle Co., Inc., Washington, D.C. (If granted: Nestle Co., Inc. would be permitted to convert its Fulton plant boiler from coal to No. 6 residual fuel oil.)	FEE-2400	Allocation exception (sec. 215.3).
Do	Service Enterprises, Cape Girardeau, Mo. (If granted: Services Enterprises would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Rhodes Oil Co.)	FEE-2401	Exception to change suppliers.
Do	Wise, Watson W., Tyler, Tex. (If granted: Crude oil produced from the Stone Jackson lease would be sold at upper tier ceiling prices.)	FEE-2402	Price exception (sec. 212.74).
Do	Airflite, Inc., South Long Beach, Calif. (If granted: Airflite would receive an increase in its base-period use of aviation fuel based on the increased usage of its facilities.)	FEE-2403	Exception to increase base-period use.
Apr. 19, 1976	Melton Auto Service, Petersburg, Va. (If granted: Melton Auto Service would receive a stay of FEA region III's Feb. 24, 1976, allocation order pending determination of its exception request.)	FES-2396	Stay request.
Apr. 20, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: FEA's denial of a request for certain copies of forms FEO-17 would be rescinded.)	FEA-0812	Appeal of FEA's information request denial.
Do	Naph-Sol Refining Co., Washington, D.C. (If granted: FEA's Mar. 19, 1976, decision and order would be rescinded and Naph-Sol Refining Co. would be assigned a new supplier of motor gasoline and fuel oil.)	FEA-0811	Appeal of FEA's exception decision and order in *Naph-Sol Refining Co.*, 3 FEA, par. 83,134 (Mar. 19, 1976).
Apr. 21, 1976	Benkema's Petroleum Co., Grand Rapids, Mich. (If granted: Benkema's Petroleum Co. would be assigned a new lower-priced base-period supplier of motor gasoline.)	FEE-2410	Exception to change suppliers.
Do	Cathey, John J., Colorado Springs, Colo. (If granted: Crude oil produced from the Peterson lease would be sold at upper tier ceiling prices.)	FEE-2405	Price exception (sec. 212.74).
Do	Golden Eagle Refining Co., Inc., Los Angeles, Calif. (If granted: The price relief granted to the Oil Shale Corp. in FEA's June 10, 1975, and August 29, 1975, orders would be modified.)	FMR-0045	Request for modification or rescission of FEA's orders in *The Oil Shale Corp.*, 2 FEA, par. 83,169 (June 10, 1975) and *The Oil Shale Corp.*, 2 FEA, par. 89,673 (Aug. 29, 1975).
Do	Grigsby Oil and Gas, New Orleans, La. (If granted: Crude oil produced from the Grigsby-Robert Leger well No. 1 would be sold at upper tier ceiling prices.)	FEE-2409, FES-2409	Price exception (sec.
Do	Lee-Gunn Drilling Partnership Hattiesburg, Miss. (If granted: Crude oil produced from the No. 2 and 3 Breaux wells would be sold at upper tier ceiling prices.)	FEE-2411	Price exception (sec. 212.74).
Do	Shell Oil Co. (O'Keene), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gallon.)	FEE-2408	Price exception (sec. 212.165).

Date	Name and location of applicant	Case No.	Type of submission
Do.	Shell Oil Co. (Selling), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gallon.)	FEE-2407	Price exception (sec. 212.165).
Do.	Texas Asphalt and Refining Co., Houston, Tex. (If granted: FEA's Apr. 27, 1976, decision and order directing Texas Asphalt and Refining Co. to sell 734,048 barrels of crude oil to four refiner-buyers would be modified.)	FMR-0046	Request for modification or recission of FEA's decision and order in *Texas Asphalt and Refining Co.*, 3 FEA, par. ——— (Apr. 17, 1976).
Do.	United Refining Co., Warren, Pa. (If granted: United Refining Co. would receive an adjustment to its base-period allocation of Canadian crude oil.)	FEE-2404	Exception to FEA's Canadian crude oil allocation program.
Do.	Wells Propane Gas Co., Wells, Nev. (If granted: Wells Propane Gas Co. would be assigned a new, lower priced supplier of propane to replace its base-period supplier, Par Gas.)	FEE-2406	Exception to change suppliers.
Apr. 22, 1976	McGehee, Frank H., Natchez, Miss. (If granted: Crude oil produced from the No. 3 Parker lease would be sold at upper tier ceiling prices.)	FEE-2412	Price exception (sec. 212.74).
Do.	Murphy Oil Corp., El Dorado, Ark. (If granted: The stay granted to the Murphy Oil Corp. in FEA's Apr. 9, 1976, decision and order would be rescinded.)	FEX-0040	Supplemental order to FEA's decision in *Murphy Oil Corp.*, 3 FEA, par. ——— (Apr. 9, 1976).
Do.	National Cooperative Refinery Association, McPherson, Kans. (If granted: National Cooperative Refinery Association would receive an exception for the period December 1974 through November 1977 to the 30-day prenotification waiting period.)	FEE-2413, FES-2413	Price exception (sec. 212.121).
Do.	Phillips Petroleum Co. (Great Falls), Bartlesville, Okla. (If granted: Phillips Petroleum Co.'s Great Falls refinery would receive an adjustment to its base-period allocation of Canadian crude oil.)	FEE-2414	Exception to the Canadian crude oil allocation program.
Do.	Tipperary Corp., Washington, D.C. (If granted: Tipperary Corp. would receive an exception from 10 CFR 211.65(b) to permit it to apply for an allocation of crude oil more than 90 days prior to the commencement of an allocation quarter.)	FEE-2415	Allocation exception (sec. 211.65(b)).
Apr. 23, 1976	Mobil Oil Corp., New York, N.Y. (If granted: FEA's decision and order of Mar. 17, 1976, would be rescinded and Mobil Oil Corp.'s Ferndale, Wash. refinery would be considered a first-priority refinery for purposes of the Canadian crude oil allocation program.)	FEA-0814	Appeal from FEA's Mar. 17, 1976, decision and order.

[FR Doc.76-13085 Filed 4-30-76;8:45 am]

CASES FILED WITH THE OFFICE OF PRIVATE GRIEVANCES AND REDRESS

Week of April 16 Through April 23, 1976

Notice is hereby given that during the week of April 16 through April 23, 1976, the petition for special redress listed in the Appendix to this notice was filed with the Federal Energy Administration's Office of Private Grievances and Redress.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in this case may file with the FEA written comments on the petition within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be May 6, 1976 or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: April 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*List of cases received by the Office of Private Grievances and Redress, week of Apr. 16 through Apr. 23, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Apr. 20, 1976	Westla Oil Co., Maryland Heights, Mo. (If granted: The Dec. 15, 1975, order issued to the Westla Oil Co. by FEA region IX would be rescinded and Westla would be assigned a new supplier of motor gasoline.)	FSG-0023	Request for special redress.

[FR Doc.76-13086 Filed 4-30-76;4:23 pm]

LP-GAS INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the LP-Gas Industry Advisory Committee will meet Tuesday, May 25, 1976, at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Streets, NW., Washington, D.C.

The Committee was established to provide independent advice and review to FEA with respect to the implementation of programs that affect the LP-Gas industry.

The agenda for the meeting is as follows:

1. Deregulation of FEA Allocation and Pricing Regulations of LP-Gas.
2. Review and Comments on FEA Regulations on LP-Gas other than Price and Allocation.
3. Review and Analysis of Selected Supply and Demand Forecasts of LP-Gas.
4. Transportation and Import Terminal Requirements for the LP-Gas Industry—Present and Future Needs.
5. Review and Comments on the Institute of Gas Technology's "A Study to Ascertain the Potential for Increased Production of Natural Gas Liquids from Natural Gas."

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on May 3, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-13224 Filed 5-3-76;3:35 pm]

STATE REGULATORY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the State Regulatory Advisory Committee will meet Friday, May 21, 1976, at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with advice and information concerning its plans and programs which are related to the responsibilties of State regulatory commissions.

The agenda for the meeting is as follows:

1. Federal Energy Administration Gas Allocation Policy.
2. Federal Energy Administration Load Management Policy.
3. Status Report on Electricty/Gas Legislation.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on May 3, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-13223 Filed 5-3-76;3:35 pm]

TRANSPORTATION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Transportation Advisory Committee will meet Tuesday, May 25, 1976, at 10 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The agenda for the meeting is as follows:

1. Discussion of:

a. Draft Guidelines for State Programs in the EPCA

b. Consumer Conservation Awareness and Behavior

c. Airline Program—Direction and Intent

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202 961-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on May 3, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-13222 Filed 5-3-76;3:34 pm]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement 10107-2, filed on behalf of American President Lines, Ltd.; Barber Blue Sea Line; Fesco Pacific Container Line; Kawasaki Kisen Kaisha; Orient Overseas Line/Orient Overseas Container Line; Sea-Land Service, Inc.; United States Lines, Inc.; Zim Israel Navigation Co. Ltd.; and the Trans-Pacific Freight Conference (Hong Kong) would extend the scope of the basic agreement in the following manner:

This understanding shall apply to and govern the conveyance of all merchandise by the parties from Hong Kong and Taiwan to United States Pacific Coast ports or inland points in the United States via such ports, including merchandise destined to overland points and also to cargo destined to U.S. Atlantic and Gulf ports via U.S. Pacific Coast ports and moving via trans-continental routing.

As it stands presently approved, Agreement 10107 permits the non-conference lines listed above and the Conference to discuss and agree" * * * on various rates, charges, classifications, practices, and related tariff matters to be charged or observed by them respectively * * *" with respect to the transportation of cargoes from Hong Kong and Taiwan to West Coast ports of the United States. Each independent line and the Conference has the right of independent action upon forty-eight hours notice to all other parties.

By Order of the Federal Maritime Commission.

Dated: April 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13229 Filed 5-5-76;8:45 am]

COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, One World Trade Center, Suite 5215, New York, New York 10048.

Agreement No. 10224 would establish a joint service agreement among Compagnie Maritime Des Chargeurs Reunis, S.A., Elder Dempster Lines Limited, Compagnie Maritime Belge, S.A., and Compagnie Maritime Zairoise S.A.R.L., operating under the trade name North American West Africa Lines (NAWAL), in the trade between U.S. Great Lakes, Atlantic and Gulf ports via Eastern Canadian ports, on the one hand, and West African ports south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Nambia (South West Africa), including the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, also the islands of Fernando Po, Principe and San Thome in the Gulf of Guinea, on the other hand. The joint service is in accordance with the terms and conditions set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: April 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13230 Filed 5-5-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 617]

WM. J. NAAR

Order of Revocation

On April 28, 1976, Wm. J. Naar, 90 West Broadway, New York, New York

10007, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 617 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01 (b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 617 issued to Wm. J. Naar, be and is hereby revoked effective April 28, 1976 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Wm. J. Naar.

LEROY F. FULLER,
Bureau of Certification and Licensing.

[FR Doc.76-13231 Filed 5-5-76;8:45 am]

[Docket No. 76-24]

UNITED NATIONS V. FLOTA MERCANTE GRANCOLUMBIANA, S.A.

Filing of Complaint

MAY 3, 1976.

Notice is hereby given that a complaint filed by United Nations against Flota Mercante Grancolumbiana, S.A. was served April 30, 1976. The complaint alleges that complainant has been subjected to payment of transportation charges in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before October 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13232 Filed 5-5-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-18, et al.]

AMOCO PRODUCTION CO., ET AL.

Applications for "Small Producer" Certificates [1]

APRIL 28, 1976.

Take notice that each of the Applicants listed herein has filed an appplication pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
GS71-18	Apr. 1, 1976	Amoco Production Co.,[1] Security Life Bldg., Denver, Colo. 80202.
CS71-313	Mar. 31, 1976	H. H. Phillips, Jr., E-102 Petroleum Center, San Antonio, Tex. 78209.
CS76-668	do	Patricia Hyde, 1011 Ridglea Bank Bldg., Fort Worth, Tex. 76116.
CS76-669	Apr. 1, 1976	Bryan Keith d.b.a Laurel Creek Gas Co., 276 Toun Branch Rd., Manchester, Ky.
CS76-670	do	William D. Emery, Box 14611, Oklahoma City, Okla. 73114
CS76-671	do	William Exploration Co., 321 South Boston, Tulsa, Okla. 74101.
CS76-672	do	H & S Oil Co., 216 American Home Security Bldg., Artesia, N. Mex. 88210.
CS76-673	do	C. W. Hoffman, Jr., P.O. Box 669, Eastland, Tex. 76448.
CS76-674	do	W. H. Hoffman, P.O. Box 669, Eastland, Tex. 76448.
CS76-675	do	William H. Hoffmann, as executor of the estate of Bessie Hoffmann deceased, County Court, Eastland County, Tex., P.O. Box 669, Eastland, Tex. 76448.
CS76-676	do	Wakyn W. Ferris, 518 Patterson Bldg., Denver, Colo. 80202.
CS76-677	Apr. 2, 1976	Mercantile Safe Deposit & Trust Co., trustee, Trusts U/D, Donaldson Brown, Successor to Broseco Corp. and John B. Rich, individually, 1503 Mercantile Bank & Trust Bldg., Baltimore, Md. 21201.
CS76-678	do	Stallworth Oil & Gas, Inc., 930 Hartford Bldg., Dallas, Tex. 75201.
CS76-679	do	Robert B. Stallworth, Jr., 930 Hartford Bldg., Dallas, Tex. 75201.
CS76-680	do	Harris H. White, R.D. No. 3, New Bethlehem, Pa. 16242.
CS76-681	do	Katherine Q. Blewett, P.O. Box 5, Shreveport, La. 71161.
CS76-682	Apr. 5, 1976	Estate of N. P. Powell, deceased, 410 Citizens 1st National Bank Bldg., Tyler, Tex. 75701.
CS76-683	do	Dow L. Keever, Corning, Iowa, 50841.
CS76-684	do	Castle Gas Co., Inc., P.O. Box. 10396, Pittsburgh, Pa. 15234.
CS76-685	do	Big Buck Energy Oil & Gas, Inc., 214 North Blvd. West, Huntington, W. Va. 25791.
CS76-686	do	McMahon-Bullington Drilling Co., P.O. Box 2569, Wichita Falls, Tex. 76307.
CS76-687	Apr. 6, 1976	Big Piney Oil & Gas Co., Suite 204, Executive Bldg., 455 East 4th South, Salt Lake City, Utah 84111.
CS76-688	Apr. 7, 1976	Reliance Trusts, P.O. Box 50322, Dallas, Tex. 75250.
CS76-689	do	P.O. Box 520 OCS, Lafayette, La. 70501.
CS76-690	do	John D. Todd, 3444 Locke Lane, Houston, Tex. 77027.
CS76-691	do	Ohio Lease Operating Co., 893 High St., Suite O, Worthington, Ohio 43085.
CS76-692	Apr. 1, 1976	IMC Exploration Co.; Commercial Solvents Corp., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS76-693	Apr. 8, 1976	Larry A. Mizel, 3600 South Yosemite, Suite 900, Denver, Colo. 80237.
CS76-694	do	T. C. Meador, P.O. Box 695, El Dorado, Tex. 76036.
CS76-695	do	J. D. Akin, Box 227, Corning, Iowa 50841.
CS76-696	do	Mounts Gas Co., Box 687, Logan, W. Va. 25601.
CS76-697	do	Caddo Management Co., 334 Beck Bldg., Shreveport, La. 71101.
CS76-698	do	Jeffrey D. J. Kallenberg, 334 Beck Bldg., Shreveport, La. 71101.
CS76-699	Apr. 9, 1976	Donald Winston as Trustee under Trust Agreement dated Dec. 31, 1941, 201 Wall Towers East, Midland, Tex. 79701.
CS76-700	do	James F. Haynes, M.D., 1012 West Pierce, Carlsbad, N. Mex. 88220.
CS76-701	Apr. 12, 1976	Arrowhead Oil Co., 11762 South Harrell's Ferry Rd., Baton Rouge, La. 70816.
CS76-702	do	Michael Pinkerton, 2029 Martin Branch Rd., Charleston, W. Va.
CS76-703	do	Western Oil and Minerals Ltd., P.O. Box 1228, Farmington, N. Mex. 87401.
CS76-704	do	R & B Petroleum, Inc., 250 Park Ave., New York, N.Y. 10017.
CS76-705	do	Southwest Lumber Mills, Inc., P.O. Box 7548, 3443 North Central Ave., Phoenix, Ariz. 85011.
CS76-716	do	ETI Resources, Inc., Suite 230, 6600 Powers Ferry Rd. NW., Atlanta, Ga. 30339.
CS76-717	do	1975 Private ETI Resources Oil & Gas Program, Suite 230, 6600 Powers Ferry Rd. NW., Atlanta, Ga. 30339.
CS76-718	do	ETI Resources Oil & Gas Program Series 1975-76-1, ETI Resources Oil & Gas Program Series 1975-76-2, Suite 230, 6600 Powers Ferry Rd. NW., Atlanta, Ga. 30339.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] With respect to certain interests covered under W. E. Bakke's small producer certificate in docket No. CS71-18.

[FR Doc.76-13051 Filed 5-5-76;8:45 am]

[Docket No. RI75-76]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

APRIL 28, 1976.

Respondents have filed proposed changes in rates and charges for juris-

[1] Does not consolidate for hearing or dispose of the several matters herein.

dictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18, CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf * [1] Rate in effect	Cents per Mcf * [1] Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75-76	Exxon Corp.	357	46	Columbia Gas Transmission Corp. (Southern and Offshore Louisiana).	$2,709,733	3-29-76		1-2-76	26.9875	[2] 31.48	RI75-76
	do			do	290,146	3-29-76		1-2-76	22.875	[3] 25.50	
	do			do	110,429	3-29-76		1-2-76	31.1125	[4] 31.48	

* The pressure base is 15.025.
[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable Btu adjustment and tax.
[2] For gas from reservoirs discovered proir to Oct. 1, 1968, and subject to the Louisiana taxing jurisdiction.
[3] For gas from reservoirs discovered prior to Oct. 1, 1968, and in the Federal domain.
[4] For gas from reservoirs discovered after Oct. 1, 1968, but prior to Oct. 1, 1970, and subject to the Louisiana taxing jurisdiction.

Exxon's proposed rate increases are suspended for one day from the January 1, 1976 date the increases would otherwise become effective under Opinion No. 749. Thereafter, the proposed rates may be collected subject to refund in the existing rate proceeding in Docket No. RI75-76 pending resolution of the issues in that case.

[FR Doc.76-13052 Filed 5-5-76;8:45 am]

[Docket Nos. CS76-706, et al]

JIC DRILLING FUND AND OTHER APPLICANTS LISTED HEREIN

Applications for "Small Producer" Certificates [1]

APRIL 28, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to the public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unles otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-706	Apr. 12, 1976	JIC Drilling Fund, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-707	do	JIC Drilling Co. No. 2, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-708	do	JIC Joint Venture No. 3, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-709	do	Sam Jack Partnership No. 1, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-710	do	Sam Jack Partnership No. 2, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-711	do	Sam Jack Partnership No. 3, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-712	do	Sam Jack Partnership No. 4, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-713	do	Sam Jack Partnership No. 5, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-714	do	Wisconsin Fund, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-715	do	Willow River Fund, 1700 Benedum Trees Bldg., Pittsburgh, Pa. 15222.
CS76-719	do	Michael G. Quinn, 453 South Webb Rd., P.O. Box 18287, Wichita, Kans. 67207.
CS76-720	do	Ralph J. Hahn, 610 Merchant St., Emporia, Kans. 66801.
CS76-721	do	Marvin Whitehead, 312 Beck Bldg., Shreveport, La. 71101.
CS76-722	do	A. M. Kimbrough, P.O. Box 920, Hobbs, N. Mex. 88240.
CS76-723	do	J. F. Maddox, P.O. Box 920, Hobbs, N. Mex. 88240.
CS76-724	do	J. P. White, Jr., P.O. Box 872, Roswell, N. Mex. 88201.
CS76-725	do	T. T. Sanders, P.O. Box 550, Roswell, N. Mex. 88201.
CS76-726	do	C. G. Legg, P.O. Box 920, Hobbs, N. Mex. 88240.
CS76-727	do	Nolan H. Brunson, Jr., P.O. Box 1039, Hobbs, N. Mex. 88240.

Docket No.	Date filed	Applicant
CS76-728	do	Natomas of Texas, Inc., 777 South Post Oak Rd., Suite 800, Houston, Tex. 77056.
CS76-729	do	Natomas International Corp., 777 South Post Oak Rd., Suite 800, Houston, Tex. 77056.
CS76-730	do	Natomas Co., 777 South Post Oak Rd., Suite 800, Houston, Tex. 77056.
CS76-371	do	Natomas Exploration, Inc., 777 South Post Oak Rd., Suite 800, Houston, Tex. 77056.
CS76-732	Apr. 13, 1976	Joe F. Sherman Gas & Oil, Box 208, Hawthorn, Pa. 16230.
CS76-733	Apr. 5, 1976	Trend Oil Co., Operator, 900, Wilshire Blvd., No. 1024 Los Angeles, Calif. 90017.
CS76-734	Apr. 13, 1976	Ross L. Malone Estate, et al., P.O. Box 87, Roswell, N. Mex. 88201.
CS76-735	do	M. L. Southerland, 316 West McGaffey, Roswell, N. Mex. 88201.
CS76-736	do	R. J. Leonard, P.O. Box 400, Roswell, N. Mex. 88201.
CS76-737	do	Theodore P. White, P.O. Box 533, Roswell, N. Mex. 88201.
CS76-738	do	L. C. Harris, P.O. Box 1714, Roswell, N. Mex. 88201.
CS76-739	do	Phelps White, P.O. 874, Roswell, N. Mex. 88201.
CS76-740	do	Donald L. Garey, P.O. Box 1320, Hobbs, N. Mex. 88240.
CS76-741	do	Harry R. Eaves, P.O. Box 1918, Hobbs, N. Mex. 88240.
CS76-742	do	Minerals, Inc., P.O. Box 1320, Hobbs, N. Mex. 88240.
CS76-743	Apr. 14, 1976	R. Taylor Mosier, R.D. No. 1, Vanderbilt, Pa. 15486.
CS76-744	do	B & E Coal Corp., P.O. Box 228, Spencer, W. Va. 25276.
CS76-745	Apr. 15, 1976	R. C. Johns, P.O. Box 698, Glendale, Ariz. 85311.
CS76-746	do	Randall F. Montgomery, 201 Vanderpool No. 111, Houston, Tex. 77024.
CS76-747	Apr. 16, 1976	William F. Powell, 13722 Queensbury, Houston, Tex. 77079.
CS76-748	do	Raymond H. Eaves, P.O. Box 1918, Hobbs, N. Mex. 88240.
CS76-749	do	J. E. Cieszinski, 22 Riverside Dr., Roswell, N. Mex. 88201.
CS76-750	Apr. 19, 1976	Elizabeth Rice, 4600 Kietzke Lane, No. 188, Reno, Nev. 89502.

[FR Doc.76-13050 Filed 5-5-76;8:45 am]

NATIONAL GAS SURVEY, TRANSMISSION, DISTRIBUTION & STORAGE—TECHNICAL ADVISORY TASK FORCE—RATE DESIGN

Meeting—Agenda Revision [1]

North Building, Room 3401, Federal Power Commission, Union Plaza Building, 941 North Capitol Street, NE., Washington, D.C. 20426.

May 21, 1976, 9:00 a.m.

Presiding: Mr. John F. Craig, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order—Mr. John F. Craig.

2. Subgroups 1A and 1B will assemble at 9:00 a.m. to plan efforts and prepare suggestions for Task Force completion of these assignment areas.

3. Call to Order of full Task Force at 11:30 a.m. to hear and discuss reports from Subgroups 1A and 1B.

4. Discussion of Marginal Costing Methodology by Mr. James J. Tanner.

5. Report and recommendations of the Glossary Subgroup seeking to establish definitions, terms and service categories to be used by the Task Force—Mr. Louis J. Carter.

6. Delineation and limitation by Mr. Richard Tybout of the proposals set forth in his letter to the Task Force dated February 4, 1976.

7. Discussion of other matters.

8. Establishing next meeting date and agenda.

9. Adjournment—Mr. John F. Craig.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13373 Filed 5-5-76;8:45 am]

[1] The agenda revises the initial agenda for the task force meeting issued April 28, 1976, FPC No. 22322, 41 FR 17973. The purpose and subject of the meeting remain unchanged.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-20]

CERTAIN BISMUTH MOLYBDATE CATALYSTS

Order Continuing Preliminary Conference on Discovery Matters

On April 29, 1976, Complainant filed a Motion for Leave to Dismiss the Complaint and for Termination of the Investigation (Commission Motion Docket No. 20-3). In view of this Motion, it is hereby ordered that the Preliminary Conference on Discovery Matters noticed for April 30, 1976, be continued generally pending the Commission's disposition of Complainant's Motion for Leave to Dismiss.

In addition, it is hereby ordered that answers to Complainant's Motion shall be submitted within ten (10) days after service.

The Secretary shall serve a copy of this Order upon all parties of record.

Issued April 29, 1976.

JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.76-13179 Filed 5-5-76;8:45 am]

[332-73]

U.S. CONTRIBUTION TO THE TECHNICAL WORK OF THE HARMONIZED SYSTEM COMMITTEE

Notice of Participation

The purpose of this notice is to inform interested parties with respect to the background and development of the Harmonized Commodity Description and Coding System (Harmonized System) and to afford an opportunity for interested parties to present their views with respect to its development. The notice is issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 F.R. 6239), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974 which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices * * *.[1]

BACKGROUND OF THE HARMONIZED SYSTEM

In 1970 a number of countries and organizations, both national and international, became increasingly concerned about the problems stemming from the lack of an internationally accepted commodity description and coding system. At that time delegates from the Customs Cooperation Council (CCC), an intergovernmental organization with headquarters in Brussels, Belgium, discussed the problem with a number of other international organizations, and at a meeting of the United Nations Economic Commission for Europe it was recommended that the CCC should sponsor a study of the feasibility of developing a harmonized commodity description and coding system.

In undertaking the project, the CCC established a Study Group for the Development of a Harmonized Commodity Description and Coding System for International Trade in 1971. Because of the significance of this work to a wide range of interests involved in international trade, the CCC offered the opportunity of participating to a number of international organizations and to certain countries which were not at the time members of the CCC. The following is a list of the participants in the study group:

I. COUNTRIES AND GROUPS OF COUNTRIES

Austria	Hungary
Belgium	Italy
Canada	Japan
Czechoslovakia	Republic of Korea
Denmark	Malaysia
European Economic Community	Netherlands
	Sweden
France	United Kingdom
Germany	United States

II. INTERGOVERNMENTAL ORGANIZATIONS

General Agreement on Tariffs and Trade (GATT)
United Nations Statistical Office (UNSO).
Economic Commission for Europe (ECE)
United Nations Conference on Trade and Development (UNCTAD)
Customs Cooperation Council
Organization for Economic Cooperation and Development (OECD)
Food and Agriculture Organization of the United Nations (FAO)
North Atlantic Treaty Organization (NATO)

[1] Sec. 608(c)(2), Trade Act of 1974.

III. INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

International Cargo Handling Coordination Association (ICHCA)
International Air Transport Association (IATA)
International Chamber of Commerce (ICC)
International Chamber of Shipping (ICS)
International Federation of Forwarding Agents' Associations (FIATA)
International Organization for Standardization (ISO)
International Union of Railways (UIC)
International Road Transport Union (IRU)
World Trade Centers Association (WTCA)

IV. NATIONAL ORGANIZATIONS

Simplification of International Trade Procedures Board (SITPRO) (United Kingdom)
National Committee on International Trade Documentation (NCITD) (United States)
Transportation Data Coordinating Committee (TDCC) (United States).

The study group report. The report of the study group was made to the CCC in March 1973 and was accepted by the CCC in June 1973.[1]

Pertinent parts of the summary of the report follow.

(a) The development of a harmonized commodity description and coding system is not only feasible but is essential in the longer term interests of the facilitation of international trade.

(b) The system should be developed from the BTN and SITC [Brussels Tariff Nomenclature and Standard International Trade Classification] (Revised). However, the work done to date demonstrates a need for some changes in the BTN and the SITC to bring them in step with current trade conditions and it will be advisable to modify some parts of the BTN to facilitate establishment of the harmonized commodity description and coding system. Of course, after the system has been developed, steps should be taken to ensure that it will be revised as necessary to keep it in harmony with subsequent revisions of the BTN and the SITC.

(c) The BTN should constitute the core of the harmonized system. It should continue to be maintained under the provisions of the current Convention as a separate 4-digit entity. The more detailed descriptions and codes required for the harmonized system would be issued as a supplement to the BTN, not under the formal Convention but for example as a Customs Co-operation Council Recommended Standard.

(d) In developing the system, account should be taken of existing nomenclatures and commodity description systems which are primarily representative of Customs, statistical and transport requirements. Those listed at Annex C[1] should continue to provide the main source material but other systems may be taken into account as appropriate.

Customs Nomenclatures

1. Customs Cooperation Council Nomenclature (CCCN).
2. Tariff Nomenclature for the Latin American Free Trade Association (NABALALC).
3. Customs Tariff of Canada.
4. Tariff Schedules of the United States.
5. Customs Tariff of Japan.

Statistical Nomenclatures

6. Standard International Trade Classification (SITC, Rev. 2).
7. Nomenclature of Goods for the External Trade Statistics of the (European) Community and Statistics of Trade Between Member States (NIMEXE).
8. Import Commodity Classification (Canada).
9. Export Commodity Classification (Canada).
10. Schedule B (Export) (United States).

Transport Nomenclatures

11. Standard Commodity Nomenclature (NUM) of the Inetrnational Union of Railways (UIC).
12. Worldwide Air Cargo Commodity Classification (WACCC).
13. Freight Tariff of the Association of West India Trans-Atlantic Steamship Lines (WIFT).
14. Standard Transportation Commodity Code (STCC).

Other Classifications

15. Standard Foreign Trade Classification of the Council for Mutual Economic Assistance (SFTC), which will be taken into account when its correlation with the BTN has been completed.

* * * * *

(f) The system should be developed under the auspices of the Customs Co-operation Council but an international/interorganizational body should be maintained in existence throughout the development period to ensure that the needs of all the interests involved are fully taken into account and to plan the implementation of the harmonized system.

(g) The costs of developing the system should, in principle, be a charge on the Customs Co-operation Council budget.

The Customs Cooperation Council. The Customs Cooperation Council (CCC) under which the Harmonized System is being developed was established by a convention signed in Brussels on December 15, 1950. The convention entered into force on November 4, 1952, and is presently in force with respect to 79 countries. By its resolution of October 4, 1968, the Senate gave its advice and consent to accession to the convention, and it entered into force with respect to the United States on November 5, 1970, with the deposit of the instrument of accession. (Presidential Proclamation of Mar. 1, 1971, 22 UST 321, TIAS 7063.)

The functions of the CCC are stated in article III of the convention, as follows:

ARTICLE III[16]

The functions of the Council shall be:

(a) to study all questions relating to co-operation in customs matters which the Contracting Parties agree to promote in conformity with the general purposes of the present Convention;

(b) to examine the technical aspects, as well as the economic factors related thereto, of customs systems with a view to proposing to its Members practical means of attaining the highest possible degree of harmony and uniformity.

(c) to prepare draft Conventions and amendments to Conventions and to recommend their adoption by interested Governments;

(d) to make recommendations to ensure the uniform interpretation and application of the Conventions concluded as a result of its work as well as those concerning the Nomenclature for the Classification of Goods in Customs Tariffs and the Valuation of Goods for Customs Purposes prepared by the European Customs Union Study Group and, to this end, to perform such functions as may be expressly assigned to it in those Conventions in accordance with the provisions thereof;

(e) to make recommendations, in a conciliatory capacity, for the settlement of disputes concerning the interpretation or application of the Conventions referred to in paragraph (d) above in accordance with the provisions of those Conventions; the parties in dispute may agree in advance to accept the recommendations of the Council as binding;

(f) to ensure the circulation of information regarding customs regulations and procedures;

(g) on its own initiative or on request, to furnish to interested Governments information or advice on customs matters within the general purposes of the present Convention and to make recommendations thereon;

(h) to co-operate with other inter-governmental organisations as regards matters within its competence.

As noted in article III(d) above, the CCC is responsible for the Convention on Nomenclature for the Classification of Goods in Customs Tariffs (known as the Brussels Tariff Nomenclature or BTN and now referred to as the Customs Co-operation Council Nomenclature or CCCN) and the Convention on the Valuation of Goods for Customs Purposes.[17] These conventions have received widespread international use as the basis for the classification and valuation of articles for customs duty purposes. While a specific function of the Council with respect to these conventions is to ensure uniformity in their interpretation and application, the Council is also empowered under article III(c) to prepare draft amendments to the conventions and to recommend their adoption by interested governments. Under the respective terms of the nomenclature and valuation conventions, a Nomenclature

[1] The study group report was published by the Customs Cooperation Council on Mar. 28, 1973, as Document No. 19.513. Copies are available from the Secretary, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436.

[1] List of basic description and coding systems:

[16] 22 UST 324, 325.

[17] The United States is not a signatory to either the nomenclature or valuation conventions and, therefore, has no vote at the CCC with respect to proposed amendments or modifications to either of those conventions.

Committee and a Valuation Committee have been established to make recommendations to the Council for these purposes.

THE HARMONIZED SYSTEM AND THE HARMONIZED SYSTEM COMMITTEE

The approval by the Customs Cooperation Council of the study group report was followed by the establishment of a Harmonized System Committee, which was charged with the responsibility of developing the system. The members of the Harmonized System Committee are as follows:

COUNTRIES AND GROUPS OF COUNTRIES

Australia	France
Canada	India
Czechoslovakia	Japan
European Economic Community	United Kingdom
	United States

INTERNATIONAL ORGANIZATIONS

Customs Cooperation Council, Nomenclature Committee
Customs Cooperation Council Secretariat
Economic Commission for Europe
European Trade Promotion Organizations Conference (ETPO)
General Agreement on Tariffs and Trade
International Air Transport Association
International Chamber of Shipping
International Standard Organization
International Union of Railways
North Atlantic Treaty Organization
United Nations Statistical Office

The following countries and organizations have participated in the meetings of the Committee as observers:

Austria	Norway
Belgium	Republic of South Africa
Denmark	Spain
Finland	Sweden
Grenada Island	Switzerland
Iran	Tunisia
Ireland	West Germany
Israel	Zaire
Italy	FIATA
Ivory Coast	ICC
Kenya/Uganda/Tanzania	OECD
Republic of Korea	SITPRO (France)
Netherlands	SITPRO (United Kingdom)
New Zealand	UNCTAD
Nigeria	

Description of the Harmonized System. In approving the study group report, the Council accepted the recommendation that the BTN should constitute the core of the system and that the 15 classification systems chosen by the study group should be taken into account in considering the product refinement requirements of potential users. Thus, the Harmonized System will be based on, and in many respects will be an extension of, the BTN. It is intended that the system will be hierarchical, whereby the four-digit BTN headings will be appropriately subdivided into six-digit subheadings (called the structured nomenclature). It is envisioned that this arrangement will permit sufficient flexibility for the system to be used either as it stands, or in abbreviated form, or as the core of a more detailed commodity classification system. In addition, a detailed list of commodity descriptions (descriptor list), an alphabetical index, and explanatory notes will also be developed.

Development of the System. Currently, a technical team working under the auspices of the CCC prepares drafts of the various chapter of the Harmonized System for consideration by the Harmonized System Committee. These drafts are forwarded to the members and observers of the HSC for their review and the submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations to the Committee. The review of a particular chapter or group of chapters may extend to more than one meeting.

Generally, the consideration of each chapter proceeds from a discussion of the technical team's draft. In the course of its deliberations the Committee discusses the proposed product scope and article description of each heading and subheading, considers each submitted comment, and takes decisions by votes of the delegations. During the course of the Committee's work, it may decide to propose modifications to the BTN to accommodate the needs of potential users of the system. When in working session, the Committee has adopted the practice of permitting observer delegations to vote.

After a chapter has been considered by the Harmonized System Committee, it is referred to the Nomenclature Committee. The Nomenclature Committee reviews the draft and prepares legal notes (headnotes) and any modifications to the draft it deems appropriate.

The review by the Nomenclature Committee concludes the initial phase of the project and results in the provisional adoption of the chapters of the Harmonized System. It is expected, although not yet formally decided, that prior to the submission of the Harmonized System to the CCC for its approval as a draft convention or Council recommendation a subsequent review of the system will take place.

Progress of work. Appendix A to this notice identifies those chapters which have been considered thus far by the Harmonized System Committee, the chapters which are scheduled to be taken up during the next three sessions of the Harmonized System Committee, and the chapters for which a technical team draft has been released.

Copies of the chapters may be obtained from the Secretary, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436.

POTENTIAL IMPACT OF THE HARMONIZED SYSTEM

Viewed broadly, the overall objective of the Harmonized System Committee is to develop a reasonably detailed commodity classification system which would be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. In order to implement the system, governments would be required to transpose existing import and export customs and statistical nomenclatures into the format of the Harmonized System. Thus, the system, if adopted by the United States and other countries, would provide the framework for the determination of customs duties both for articles imported into the United States and for articles exported to foreign countries. In addition, since the system would also serve as a means for the collection of comparable international trade data, the trade data generated by using the system would affect the ability to usefully analyze foreign markets for purposes of export expansion. Further, the widespread use of the system for freight purposes could provide a useful basis for the determination and comparison of freight rates, including inbound and outbound rates.

THE INTERAGENCY ADVISORY COMMITTEE ON CUSTOMS COOPERATION COUNCIL MATTERS

The United States is represented on the CCC by an official of the Department of the Treasury. At the time of U.S. accession to the CCC convention, that Department set up the Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters.[18] In order to establish and develop U.S. programs and policies with respect to the Harmonized System, the interagency committee has instituted procedures which take into account the congressional mandate set forth in section 608(c)(2) of the Trade Act of 1974, for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission will prepare technical comments and proposals on the various chapters of the Harmonized System for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized System. In making proposals, the Commission will seek and take into consideration the views of trade and industry and other interested parties and of interested Government agencies. The other interested Government agencies may, of course, conduct their own review of the draft chapters of the Harmonized System and prepare their own comments and proposals with respect thereto for consideration by the committee.

STANDARDS AND GUIDELINES FOR THE CONDUCT OF THE INVESTIGATION

In its report of June 1, 1975, entitled Concepts and Principles Which Should Underlie the Formulation of an International Commodity Code, which was published pursuant to section 608(c)(1) of the Trade Act of 1974, the Commission commented on the principles applicable to the development of a code "adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade * * *." During the

[18] According to its charter the Interagency Committee membership includes the Departments of the Treasury, State, Transportation, Commerce, and the U.S. International Trade Commission.

conduct of this investigation the Commission will endeavor to follow the standards and guidelines set forth in the June 1 report as reproduced below.

1. *It should be complete.* The code must comprise a complete system of product descriptions or categories covering all articles of trade. The basic core or framework must provide for the appropriate classification of every known article, as well as articles yet to be developed, under either specific or general categories.

2. *It should be systematic.* The overall organization of the code is of critical concern since poor organization can make it unnecessarily complex and can unduly obstruct the use of the system. To the extent practicable, the various product categories should be systematically arranged in logical sequence and each individual product category identified with its own distinctive number. The organization and the numbering system should be as simple as possible. The use of a nonconsecutive numbering system should also be employed to permit new product classes to be inserted into the system in logical sequence and to avoid undue constriction in the number of possible provisions. A detailed alphabetical index and explanatory materials should also be provided.

3. *It should constitute an enforceable legal document.* It follows that the core or framework of the code must be organized and formulated as an enforceable legal document capable of adaptation to reflect import and export restrictions and controls and suitable for legislative enactment, administration by customs and transport officers, and judicial review.

4. *It should consist of mutually exclusive provisions which are clearly stated.* Each product should be provided for in the system in one, and only one, provision. Duplicative and overlapping product categories, although sometimes unavoidable, greatly complicate interpretation and should be kept to a necessary minimum and, then, with their classification priorities clearly expressed. In addition, the wording of the product categories and of the system or organizational framework within which they are set should be plain, clear, and unambiguous so as to insure the prompt classification of merchandise with reasonable certainty and predictability.

5. *It should be capable of uniform application.* The adoption of the code by a number of nations and organizations would render it a document of significant commercial importance. It is important therefore that it be capable of uniform application. To the extent practicable, articles should be properly classifiable within the system by reference to their intrinsic characteristics, without reliance upon extrinsic factors such as subsequent or intended use or the process of manufacture. In addition, the system should avoid the use of rules of interpretation which are not susceptible of uniform application and which thereby cannot yield uniformity of result.

6. *It should conform to the realities of trade.* The product distinctions explicitly or implicitly recognized in the system and the product definitions contained therein should be compatible with and reflect accepted international trade practices of product differentiation.

It is important in this respect to note that the objective of a single nomenclature for trade and transport purposes is a means to an end and not an end in itself. Its primary purpose is to improve the procedures for processing commercial transactions and to promote the collection of comparable trade information. These objectives cannot be realized solely from the universal use of the same system, for comparable but meaningless data are as useless as incomparable data. For this reason it is imperative that the code be developed as a modern system, reflective of existing and anticipated concepts of trade practice and responsive to sound principles of product definition and identification.

7. *It should be simplified.* Care should be taken not to complicate future administration or use by the promulgation of provisions which render the system unduly complex. In seeking the development of a complete system, consideration should be given to the ease with which classification decisions can be made.

8. *It should be adaptable for individual uses.* It is recognized that the needs to which the code are to respond differ depending upon (1) the specific purposes for which the system is to be applied, and (2) the requirements of the individual user. The code should, therefore, be adaptable to meet the individual requirements of potential users.

Solicitation of Views and Preparation of Draft Proposals

From time to time as the work on the Harmonized System progresses, the Commission will issue further notices, including notices of public hearings.

As stated previously, during the course of this investigation the Commission will prepare technical comments and proposals on the Harmonized System for consideration by the Interagency Advisory Committee on Customs Cooperation Council Matters in the determination of U.S. positions with respect to the Harmonized System. For this purpose, it is expected that there will be numerous consultations and discussions with interested parties. Thus, interested parties are invited both to comment on the various chapters of the Harmonized System and to notify the Commission of their interest with respect to its development.

By order of the Commission:

Issued: May 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

Appendix A

The following chapters have been considered by the Harmonized System Committee.

Chapter 3, fish, crustaceans, and mollusks.

Chapter 7, edible vegetables and certain roots and tubers.

Chapter 9, coffee, tea, mate, and spices.

Chapter 10, cereals.

Chapter 11, products of the milling industry; malt and starches; gluten; inulin.

Chapter 25, salt; sulfur; earths and stone; plastering materials; lime and cement.

Chapter 26, metallic ores, slag, and ash.

Chapter 28, inorganic chemicals; organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements, and of isotopes.

Chapter 29, organic chemicals.

Chapter 47, papermaking material.

Chapter 49, printed books, newspapers, pictures, and other products of the printing industry; manuscripts, typescripts, and plans.

Chapter 65, headgear and parts thereof.

Chapter 66, umbrellas, sunshades, walking-sticks, whips, riding crops, and parts thereof.

Chapter 67, prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair; fans.

Chapter 68, articles of stone, of plastic, of cement, of asbestos, of mica, and of similar materials.

Chapters 71–72, pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewelry; coin.

Chapter 74, copper and articles thereof.

Chapter 75, nickel and articles thereof.

Chapter 76, aluminum and articles thereof.

Chapter 77, magnesium and articles thereof.

Chapter 78, lead and articles thereof.

Chapter 79, zinc and articles thereof.

Chapter 80, tin and articles thereof.

Chapter 81, other base metals employed in metallurgy and articles thereof.

The following chapters are on the agenda for the June 1976 meeting of the Committee.

Chapter 48, paper and paperboard; articles of paper pulp, of paper, or of paperboard.

Chapter 82, tools, implements, cutlery, spoons, and forks, of base metal; parts thereof.

Chapter 84, boilers, machinery, and mechanical appliances; parts thereof (pt. I).

The following chapters are on the agenda for the September 1976 meeting of the Committee.

Chapter 64, footwear, gaiters, and the like; parts of such articles.

Chapter 69, ceramic products.

Chapter 70, glass and glassware.

Chapter 84, boilers, machinery, and mechanical appliances; parts thereof (pts. 2 and 3).

The following chapters are on the agenda for the February 1977 meeting of the Committee.

Chapter 85, electrical machinery and equipment; parts thereof.

Chapter 90, optical, photographic, cinematographic, measuring, checking, precision, medical, and surgical instruments and apparatus; parts thereof.

The following chapters have been distributed by the technical team but have not yet been placed on the agenda of the Committee.

Chapter 1, live animals.

Chapter 2, meat and edible meat offals.

Chapter 4, dairy products; bird's eggs; natural honey; edible products of animal origin, not elsewhere specified or included.

Chapter 5, products of animal origin, not elsewhere specified or included.

Chapter 6, live trees and other plants; bulbs, roots, and the like; cut flowers and ornamental foliage.

Chapter 8, edible fruit and nuts; peel of melons or citrus fruit.

Chapter 13, raw vegetable materials of a kind suitable for use in dyeing or in tanning; lacs; gums, resins, and other vegetable saps and extracts.

Chapter 14, vegetable plaiting and carving materials; vegetable products not elsewhere specified or included.

Chapter 17, sugars and sugar confectionery.

Chapter 21, miscellaneous edible preparations.

Chapter 22, beverages, spirits, and vinegar.

Chapter 30, pharmaceutical products.

Chapter 33, essential oils and resinoids; perfumery, cosmetics, and toilet preparations.

Chapter 34, soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modeling pastes, and "dental waxes."

Chapter 44, wood and articles of wood; wood charcoal.

Chapter 45, cork and articles of cork.

Chapter 46, manufacturers of straw, of esparto, and of other plaiting materials; basketware and wickerwork.

Chapter 51, manmade fibers (continuous).

Chapter 83, miscellaneous articles of base metal.

Chapter 86, railway and tramway locomotives, rolling stock, and parts thereof; railway and tramway track fixtures and fittings; traffic-signaling equipment of all kinds (not electrically powered).

Chapter 95, articles and manufactures of carving or molding material.

Chapter 96, brooms, brushes, feather dusters, powder puffs, and sieves.

APPENDIX B

Abbreviations Frequently Used to Indicate Organizations, Conventions, and Nomenclatures

BDV—Brussels Definition of Value (as expressed in the Convention on the Valuation of Goods for Customs Purposes).

BTN—Brussels Tariff Nomenclature (now referred to as the Customs Corporation Council Nomenclature or CCCN).

CCC—Customs Cooperation Council.

CCCN—Customs Cooperation Council Nomenclature (formerly the Brussels Tariff Nomenclature or BTN).

ECE—Economic Commission for Europe.

ETPO—European Trade Promotion Organizations Conference.

FAO—Food and Agriculture Organization of the United Nations.

FIATA—International Federation of Forwarding Agents' Associations.

GATT—General Agreement on Tariffs and Trade.

HSC—Harmonized System Committee.

IATA—International Air Transport Association.

ICC—International Chamber of Commerce.

ICHCA—International Cargo - Handling Coordination Association.

ICS—International Chamber of Shipping.

IRU—International Road Transport Union.

ISO—International Organization for Standardization.

NABALALC—Tariff Nomenclature for the Latin American Free Trade Association.

NATO—North Atlantic Treaty Organization.

NCITD—National Committee on International Trade Documentation.

NIMEXE—Nomenclature of Goods for the External Trade Statistics of the (European) Community and Statistics of Trade Between Member States.

NUM—Standard Commodity Nomenclature of the International Union of Railways.

OECD—Organization for Economic Cooperation and Development.

SFTC—Standard Foreign Trade Classification of the Council for Mutual Economic Assistance.

SITC—Standard International Trade Classification.

SITPRO (France)—Simplification of International Trade Procedures Board.

SITPRO (United Kingdom)—Simplification of International Trade Procedures Board.

STCC—Standard Transportation Commodity Code.

TDCC—Transportation Data Coordinating Committee.

UIC—International Union of Railways.

UNCTAD—United Nations Conference on Trade and Development.

UNSO—United Nations Statistical Office.

WACCC—Worldwide Air Cargo Commodity Classification.

WIFT—Freight Tariff of the Association of West India Trans-Atlantic Steamship Lines.

WTCA—World Trade Centers Association.

[FR Doc.76-13366 Filed 5-5-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-38]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

Informal Subpanels of the NASA Research and Technology Advisory Council will meet on May 24–28, 1976, at NASA Headquarters, Washington, DC. The meetings will be held in Federal Office Building 10B, 600 Independence Avenue, SW, on the dates and in the rooms as shown in the list given later. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacities of the rooms, which are: Room 625—30 persons; Room 647N—15 persons; Room 521J—30 persons. All visitors must sign in prior to attending the meeting.

The informal Subpanels on Aeronautics and Space Technology of the Research and Technology Advisory Council serve in an advisory capacity only. The Chairman of the Council is Dr. Ronald Smelt.

The following list sets forth the schedule for the meetings of the Subpanels.

Date	Technology subpanel	Room
May 24	Multipurpose space power platforms	647N
	Helicopters	521J
May 25	Global service systems	625
	Vertical takeoff and landing (VTOL)	521J
May 26	Space industrialization	625
	Supersonic cruise	521J
May 27	Short haul—reduced/short takeoff and landing.	647N
	Advanced space transportation system.	625
	Search for extraterrestrial intelligence (SETI).	521J
May 28	Exploration of the solar system	625

Each Subpanel meeting will be one day in length. The agenda for each Subpanel meeting will be the same (except for subject matter) and is set forth below:

Time	*Topic*
9 a.m.	Executive Secretary's Remarks. (Purpose: To familiarize the Subpanel participants with the scope of the Subpanel technology area and its interaction with other Subpanel activities.)
9:30 a.m.	Description of Subpanel Technology Program, Activities and Plans. (Purpose: To describe the ongoing NASA technology activities, discuss the results of efforts to identify the potential benefits resulting from the technology program and to identify and discuss possible future directions and thrusts which should/could be pursued.)
1:15 p.m.	NASA/Subpanel Discussion of Subpanel Technology Program. (Purpose: To discuss the status and plans of the NASA program with NASA personnel and obtain more detailed information from NASA personnel for Subpanel consideration where required.)
2:30 p.m.	Subpanel Discussion. (Purpose: To evaluate the ongoing, planned and proposed NASA program in terms of national need, potential benefits and technical reasonableness.)
4 p.m.	Chairman's Report. (Purpose: To present the consensus views and recommendations of the Subpanel in the technology area reviewed by the Subpanel.)

For further information, please contact the Research and Technology Advisory Council Executive Secretary, Mr. C. Robert Nysmith, Area Code 202, 755–8550.

Dated: April 30, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-13124 Filed 5-5-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL ARTS PROGRAM

Guidelines for Fellowship Grants; Fiscal Year 1977

The following are guidelines for Fellowship Grants made under the Visual Arts Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Visual Arts Program Application Deadlines and Grant Calendar is included. Interested persons should contact Brian O'Doherty, Director, Visual Arts Program, National Endowment for the Arts, Mail Stop 501, Washington, D.C. 20506 (202) 634–1566, for further information and application forms.

Signed at Washington, D.C. on 29 April 1976.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

Application deadline and grant calendar

Grant category	Deadlines	Announcement of rejection or grant award	Do not plan to start before this date
Crafts exhibition aid	Oct. 1, 1976	April 1977	June 1977.
Crafts workshops	Oct. 1, 1976	April 1977	June 1977.
Craftsmen's apprenticeships	Oct. 1, 1976	June 1977	July 1977.
Art critics' fellowships	May 10, 1976	December 1976	February 1977.
Artists' fellowships	Oct. 15, 1976	August 1977	September 1977.
Craftsmen's fellowships	Dec. 20, 1976	July 1977	August 1977.
Photographers' fellowships	May 10, 1976	December 1976	February 1977.
Printmakers' fellowships	July 1, 1976	March 1977	May 1977.
Photography exhibition aid	Jan. 15, 1977	June 1977	July 1977.
Photography publications	Jan. 15, 1977	June 1977	July 1977.
Photography surveys	Jan. 15, 1977	June 1977	July 1977.
Works of art in public places, category I and category II	Sept. 1, 1976	April 1977	June 1977.
Workshops/alternative spaces	Oct. 1, 1976	April 1977	June 1977.
Services to the Field	Dec. 1, 1976	June 1977	July 1977.
Visual arts in the performing arts	Jan. 1, 1977	June 1977	July 1977.
Artists-critics, photographers and craftsmen in residence	Applications are accepted and reviewed throughout the year.		

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Visual Arts Program is one of twelve major Program areas. Information about the Endowment and its other Programs is contained in the Endowment's Guide to Programs which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Visual Arts applicants may be especially interested in the Expansion Arts, Education, Museum, Special Projects and Public Media Programs.

Notification. In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

Visual Arts Program

Introduction. These guidelines are provided to assist individuals and organizations applying to the Visual Arts Program and to provide the information needed by advisory panels to assist them in making their recommendations to the National Council on the Arts and its Chairman.

Applicants should follow these guidelines closely and should note that panels will not consider incomplete applications.

The Visual Arts Program provides assistance:

Through fellowships to painters, sculptors, photographers, craftsmen, video artists, printmakers and critics;

For the commissioning and purchase of works of art in public places;

To workshops and alternative exhibition spaces;

For organizing photography or crafts exhibitions in museums and other institutions, and publishing accompanying catalogues;

For photography surveys and publications;

For services to the field;

For short term residencies by artists, critics, photographers and craftsmen in educational and cultural institutions, and other appropriate situations;

To craftsmen for the hiring of apprentices;

To performing arts groups for the design of posters, sets, and costumes by artists.

Inquiries concerning visual arts projects which do not fall within the guidelines should be directed either by letter or telephone (202–634–1566) to the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506.

Resolution on Accessibility to the Arts for the Handicapped. One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and government at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

Artists' Fellowships

To enable artists to set aside time and/or purchase materials and generally to advance their careers as they see fit.

Eligibility. Painters, sculptors, conceptual artists, performance and video artists working within a visual arts context, of exceptional talent, of any age or aesthetic persuasion. (Students are not eligible.)

Fellowship Amounts. $10,000, $5,000, and $2,000. Artists may request one of the three fellowship amounts, or they may leave this matter to the discretion of the advisory panel. (Artists may receive a fellowship in an amount different from the one requested.) Generally the amount of the fellowship is associated with the stage of the artist's career.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 15, 1976. Notices of approval or rejection will not be sent before August 1977. Your work under this grant should not have a beginning date before September 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions given on page 35 and complete the forms entitled Individual Fellowship Grant Application NEA–2(Rev.). In addition please complete the white card and return it with your application.

Not more that seven slides of your work should be submitted. Please read page 35 for detailed instructions concerning slide submission. Recent work should be emphasized. When surface is an important concern, a close-up view should accompany a slide of the complete work. Applicants may supplement their application if they wish with not more than two catalogues of recent exhibitions and/or more than three reviews of recent work.

Slides and other documentation will not be returned.

Conceptual and performance work should be appropriately documented. Video artists should send at least one videotape of their work (only half-inch and three-quarter-inch tapes will be reviewed). Video tapes will be returned. (While every effort will be made to insure safe handling of video tapes, the Endowment will not be responsible for any loss or damage.)

Applications which are not accompanied by slides or appropriate documentation are considered incomplete and will not be reviewed.

While fellowships are not made for specific projects, but to buy time and/or materials, you may indicate to the panel specific plans or projects on a single (8½ x 11") sheet attached to your application.

PRINTMAKERS' FELLOWSHIPS

To enable printmakers to set aside time and/or purchase materials and, generally to advance their careers as they see fit.

Eligibility. Printmakers of exceptional talent of any age or aesthetic persuasion. (Students are not eligible.)

Fellowship Amount. $5,000.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than July 1, 1976. Notices of approval or rejection will not be sent before March 1977. Your work under this grant should not have a beginning date before May 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions given on page 35 and complete the forms entitled Individual Fellowship Grant Application NEA–2(Rev.). In addition, please complete the white card and return it with your application.

Not more than seven slides of your work should be submitted. Please read page 35 for detailed instructions concerning slide submission. Applicants may supplement their applications, if they wish, with not more than two catalogs of recent exhibitions and/or not more than three reviews of recent work.

Slides and other documentation will not be returned.

While grants are not made for specific projects but to buy time and/or materials, you may indicate to the panel specific plans or projects on a single (8½ x 11") sheet attached to your application.

WORKSHOPS/ALTERNATIVE SPACES

The aim of this program is to support workshops and alternative spaces. The program is designed to encourage artists to devise modes of working together and to test new ideas.

Eligibility. For the purposes of this program, a "workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making works of art in a situation in which they derive stimulation from each other's presence and ideas.

An "alternative space" is a place, often initiated and maintained by artists, where work that would not usually be seen in commercial galleries or museums is exhibited for the benefit of artists and their public.

(1) Workshops and alternative spaces may be independent or attached to museums, universities and art schools. In the case of the last two, while students may benefit, the emphasis must be on work by practicing professional artists.

(2) Generally, workshops and alternative spaces must have been in existence for at least one year.

(3) Both workshops and alternative spaces are for the benefit of practicing professional artists. Amateur or audit education groups are not eligible.

(4) Workshops/Alternative Spaces Program applicants or their sponsoring organizations must be tax exempt, and are required to submit a copy of their Internal Revenue Service tax exemption status letter with the application.

Grant Amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before May 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3. (Rev.). In addition please complete the white card and return it with your application.

Your application will not be considered by the panel unless biographies of the artists involved in the workhop and 5 slides of each artist's work are included. (Please read page 46 for detailed instructions concerning slide submissions.) Slides will not be returned.

PHOTOGRAPHERS' FELLOWSHIPS

In enable photographers to set aside time and/or purchase materials and generally to advance their careers as they see fit.

Eligibility. Still photographers of exceptional talent of any age or aesthetic persuasion. (Students are not eligible.)

Fellowship Amount. $7,500.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than May 10, 1976. Notices of approval or rejection will not be sent before October 1976 (Visual materials submitted with applications will not be returned before October 1976.). Work under this grant should not have a beginning date before November 1976 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions given on page 35 and complete the forms entitled Individual Fellowship Grant Application NEA–2 (Rev.). In addition, please complete the white card and return it with your application.

Up to ten photographs and/or slides should be submitted with your application, and will be returned. Recent work should be emphasized. (Please read page 35 for detailed instructions concerning slide submission.)

While every effort will be made to insure safe handling of portfolios, the Endowment will not be responsible for any loss or damage. We urge you to exercise extreme care in packaging and labelling all materials sent through the mail. Your name and address should appear on the back of each photograph submitted. In all cases, please avoid using crates or excessively large boxes for mailing portfolios. Framed photographs will not be accepted.

Applications which are not accompanied by photographs or slides are incomplete and will not be reviewed.

Applicants may supplement their applications, if they wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

While fellowships are not made for specific projects but to buy time and/or materials, you may indicate to the panel specific plans or projects on a single (8½" x 11") sheet attached to your application.

PHOTOGRAPHY EXHIBITION AID

The aim of this program is to bring photography exhibitions of contemporary and/or historical significance to the public in a variety of appropriate situations.

Eligibility. Universities, museums, state historical organizatons, state arts agencies, community centers, libraries, prisons and smaller nonprofit photography organizations.

Grant Amounts. Matching grants will normally not exceed $15,000 for major exhibitions and $7,500 for other projects.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than January 15, 1977. Notices of approval or rejection will not be sent before June 1977. Your proposed activity should not have a beginning date before July 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition please complete the white card and return it with the application.

More formal situations, such as museums and universities, should supply budgets of previous exhibitions as a guideline to funding. All applicants should indicate the number of photographs to be exhibited; whether the exhibition will be circulated to other institutions; and the professional qualifications of those responsible for organizing the exhibition.

Applications for exhibitions which will present the work of anonymous or unknown artists of historical significance, or little-known contemporary photographers, should be accompanied by five to ten slides or copy prints, which will be returned.

Since catalogues provide a valuable photographic record, are works of art in themselves, and often contain essays of importance, special consideration will be given to funding catalogues of lasting value to the field. A breakdown of the catalogue budget should be submitted with the application. Also include: size, number of pages, number of reproductions, number to be printed, and an indication of proposed text. Where available, samples of previously published

catalogues should be included. Expected income from sale of the catalogue should also be indicated.

Smaller nonprofit organizations are mentioned above. Special consideration will be given to such organizations attempting to advance the public's knowledge and awareness of outstanding contemporary photography.

PHOTOGRAPHY PUBLICATIONS

The aim of this program is to assist in the publication of outstanding works of historical and/or contemporary significance in the field of photography, and to provide an appropriate context for the reproduction of photographs, for the publication of research, criticism and essays on photography, and for documentation of the work of little-known photographers of potential historical significance.

The Photography Publications Program is not intended to support periodicals, research projects or technical investigations. However, completed research and the results of technical investigations, ready for publication, will be eligible.

NOTE: Requests for support for exhibition catalogues are considered under the Photography Exhibition Aid Program on page 11.

Eligibility. Nonprofit publishing organizations, museums, educational institutions, university presses, historical archives and other tax-exempt organizations. This program is not open to applications from individuals.

Grant Amounts. Matching grants of up to $20,000 will be awarded.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than January 15, 1977. Notices of approval or rejection will not be sent prior to June 1977. Your proposed activity should not have a beginning date before July 1977, and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition, please complete the white card and return it with your application.

A breakdown of the publication budget and specifications should be submitted with the application and should include: physical dimensions, number of pages, number to be printed, anticipated income from sales of the publication, content (number of reproductions and description of text), and professional qualifications of those responsible for developing the publication. When available, examples of previously completed publications should also accompany the application.

The application should indicate the methods by which the proposed publication will reach its intended audience.

Final Reports. Fifteen copies of the final publication must be sent to the National Endowment for the Arts as part of the final report.

PHOTOGRAPHY SURVEYS

The aims of this program are:

To encourage and assist in the creation of state and regional photography surveys;

To bring resulting bodies of work before the public in the form of exhibitions and/or publications;

To preserve resulting visual records in appropriate institutions.

Survey projects will be considered which:

(1) Commission photographers to document aspects of contemporary life and culture in a state or region;

(2) Are designed to reveal, through existing photographs, aspects of the history of a state or region;

(3) Combine newly commissioned, contemporary and historical photographs in one project.

Eligibility. Matching grants will be awarded to nonprofit, tax-exempt educational institutions, museums, historical organizations, archives, libraries, state arts agencies and other state as well as local government agencies capable of satisfying the archival goals of this program.

Photographers wishing to collaborate on a project may apply through a nonprofit, tax-exempt organization willing to undertake sponsorship of the project.

Grant Amounts. Matching grants of up to $25,000 will be awarded for photographers' time, travel and materials during the period in which the survey is being undertaken; for research expenses; and for exhibition and/or publication costs.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than January 15, 1977. Notices of approval or rejection will not be sent before June 1977. Your proposed activity should not have a beginning date before July 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition, please complete the white card and return it with your application.

Applicants should submit a project summary which adequately describes the purpose and scope of the survey project, including the methods by which completed surveys will be brought before the public, i.e., publications, or exhibitions and their accompanying catalogues. In addition, applicants should indicate the institution on the state or local level in which the completed survey will be preserved and kept available for public use. If more space is needed than is provided on the application form, please include not more than one (8½ x 11'') sheet for these purposes.

Applications for projects that will involve commissioning new photographs or will make use of existing work by contemporary photographers should include include 5–10 samples of the work of each photographer. Applications for surveys of an historical nature should be accompanied by 10–20 slides or copy prints from the collections under study. All submitted work will be returned. An outline of the qualifications of all professionals to be involved in the project, such as photographers, curators and historians, should be submitted with the application.

NOTE: No photographs should be released for publication until after the project of which they are a part is completed.

Final Reports. Twenty-five copies of all catalogues or publications resulting from survey projects should be sent to the National Endowment for the Arts as one portion of the final report.

When photographers are commissioned to produce new work, one original copy of the final edited survey should be submitted with the final report, and should also be submitted to the institution on the state or local level responsible for preserving the completed survey. In addition, if the survey project involves already existing contemporary or historical photographs, copy prints of this material, when available, should also be submitted both with final report, and to the institution on the state or local level responsible for preserving the completed survey. Thus, survey projects completed under this program will be stored both locally, and in a central, national repository.

NOTE: When photographers are commissioned to produce new work, dual ownership of reproduction rights by the photographer and sponsoring institution is advised. At its expense, the sponsoring institution should obtain copy negatives of each photograph in the final, edited survey, in order to assure broad public accessibility and use of photographs produced under photography survey projects.

WORKSHOPS/ALTERNATIVE SPACES

The aim of this program is to support workshops and alternative spaces. The program is designed to encourage artists to devise modes of working together and to test new ideas.

Eligibility. For the purposes of this program, "workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making works of art in a situation in which they derive stimulation from each other's presence and ideas.

An "alternative space" is a place, often initiated and maintained by artists, where work that would not usually be seen in commercial galleries or museums is exhibited for the benefit of artists and their public.

(1) Workshops and alternative spaces may be independent or attached to museums, universities and art schools. In the case of the last two, while students may benefit, the emphasis must be on work by practicing professional artists.

(2) Generally, workshops and alternative spaces must have been in existence for at least one year.

(3) Both workshops and alternative spaces are for the benefit of practicing

professional artists. Amateur or adult education groups are not eligible.

(4) Workshops/Alternative Spaces Program applicants or their sponsoring organizations must be tax exempt, and are required to submit a copy of their Internal Revenue Service tax exemption status letter with the application.

Grant Amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before May 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition, please complete the white card and return it with your application.

Your application will not be considered by the panel unless biographies of the artists involved in the workshop and 5 slides of each artist's work are included. (Please read page 46 for detailed instructions on slide submission.) Slides will not be returned.

Craftsmen's Fellowships

To enable craftsmen to set aside time and/or purchase materials and generally to advance their careers as they see fit.

Eligibility. Professional craftsmen of exceptional talent and demonstrated ability—glassblowers, metalsmiths, potters, weavers, woodworkers, et cetera—of any age or asethetic persuasion. (Students are not eligible.)

Fellowship Amount. $5,000.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than December 20, 1976. Notices of approval or rejection will not be sent before July 1977. Your work under this grant should not have a beginning date before August 1977 and generally should be carried out during the suceeding twelve months.

How to Apply. Please review the instructions given on page 35 and complete the forms entitled Individual Fellowship Grant Application NEA–2 (Rev.) In addition, please complete the Crafts Supplementary Information Sheet and the white card and return with your application.

Not more than 7 slides of your work should be submitted. Please read page 35 for detailed instructions concerning slide submission. (Slides will not be returned.)

Applicants may supplement their application, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent works.

While fellowships are not made for specific projects, but to buy time and materials, the Craftsmen's Fellowship Advisory Panel would be interested in reading a short statement regarding your work or intended project. This statement should be typed on one side only of an 8½" x 11" sheet and attached to your application. The purpose of this short statement or description of proposed activity is to enable the panelists to understand your work better as they view the slides.

Crafts Exhibition Aid

The aim of this program is to bring crafts exhibitions of contemporary and/or historical importance to the public in a variety of appropriate situations.

Eligibility. Universities, museums, community centers, theatres, libraries, churches, prisons, nonprofit crafts organizations and state arts agencies. Special consideration is given to crafts exhibitions of a community oriented nature which bring works of high quality professional craftsmanship to areas not normally exposed to such exhibitions. Additionally, crafts exhibitions that are coordinated with crafts workshop are given high priority.

Grant Amounts. Matching grants up to $15,000 for major exhibitions and up to $7,500 for other projects.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before June 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). Additionally, please complete the Crafts Supplementary Information Sheet and the white card and return them with the application.

Evidence of ability to carry through the planned exhibition must be supplied. Institutions, museums and universities should supply budgets of previous exhibitions as a guideline to funding.

All applications must supply the following information:

(1) Name of place(s) exhibition is to be held. If funds are requested to travel the exhibition, the itinerary of the exhibition should be supplied.

(2) Name and curriculum vitae of persons responsible for organizing the exhibition.

(3) Name and curriculum vitae of persons preparing the catalogue.

(4) Number of works.

(5) Names of the craftsmen whose works will be on display. If names are not known, information on the method of selection should be provided. If jurors are used, they should be named.

(6) Catalogues from previous exhibitions, if available.

Since catalogues are a valuable documentation of an exhibition, special consideration will be given to funding catalogues of lasting value to the field. A breakdown of the catalogue budget should be included in your application. Also include: size, number of pages, reproductions, kind of paper and cover, number to be printed and an indication of proposed text. Where available, samples of previously published catalogues should be included. Expected income from sale of the catalogue should also be indicated.

Note: Grant funds may not be used for purchase awards.

Craftsmen Apprenticeships

The aim of this program is to enable craftsmen to hire apprentices, generally for a period of nine months, to impart their skills to the apprentice, who in turn assist them at their work.

Eligibility. Craftsmen of demonstrated ability in ceramics, glass, metal, textiles, wood, et cetera, may apply for a grant to hire an apprentice. Apprentices may not apply.

Apprenticeships are divided into two categories:

Category I: Individual applications by craftsmen; no matching funds are required. Craftsmen who are not equipped to handle administrative details may apply through a reliable nonprofit, tax-exempt organization which will administer the funds. Only one apprentice may be applied for under this category.

Category II: Nonprofit, tax-exempt organizations (schools, art centers, crafts workshops, et cetera) are eligible to apply for up to five apprentices. Matching funds are required.

Grant Amounts. $3,000 per apprentice. This sum should be passed to the apprentice in a way agreed upon by the craftsman and apprentice. It is suggested that equal monthly stipends be arranged. The apprentice is responsible for his own living expenses. In the case of grants directly to a craftsman, $300 should be retained by the craftsman to pay for his administrative expenses.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 1, 1976. Notices of approval or rejection will not be sent before June 1977. Your proposed activity should not have a beginning date before July 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Craftsmen may choose their own apprentices; the name of the proposed apprentice should be given in the application. Apprentices should have exhibited professional aptitude in their respective media. Craftsmen must have adequate facilities (e.g. a workshop-sized studio) to accommodate a second working professional.

Craftsmen should submit not less than 7 slides of their own work and biographical data on themselves and their apprentice. (Please read page 35 for detailed instructions on slide submission. Slides will not be returned.) The applicant should also provide a brief description of how both the craftsman and the apprentice will work together and benefit from this association. An evaluation should be sent to the Endowment by the craftsman and apprentice at the end of the apprenticeship period.

Category I: Individual craftsmen applying for apprentice aid should review the instructions on page 35, complete the forms entitled Individual Grant Applica-

tion NEA–2 (Rev.). Please attach a description of the project on one (8½" x 11") sheet. Additionally, please complete the Crafts Supplementary Information Sheet and the white card and return them with the application.

Category II: Organizations applying for apprentice aid should review the instructions on page 46 and complete the Project Grant Application NEA–3 (Rev.). Additionally, please complete the Crafts Supplementary Information Sheet and the white card and return them with the application.

NOTE: Advice concerning local minimum wage requirements and whether an apprentice is considered an employee for purposes of federal and state employment taxes, including tax withholding on wages, should be sought from state and federal labor offices and the Internal Revenue Service.

CRAFTS WORKSHOPS

The aim of the Crafts Workshop Program is to assist the production of new work by craftsmen of exceptional talent. The program also encourages artists to test ideas and media, and to devise modes of working together.

Eligibility. For the purpose of this program, a "crafts workshop" is defined as a place with facilities where a group of craftsmen who share common aesthetic and/or technical interests come together for the purpose of making crafts in a situation in which they derive stimulation from each other's presence and ideas.

Crafts Workshops are primarily for the benefit of practicing professional craftsmen. The highest standards of demonstrated professional ability are looked for in Crafts Workshops applications. Although students may participate in these workshops, the emphasis is primarily directed toward professionals in the field.

(1) Crafts workshops may be independent or may be attached to schools, parks, prisons, museums, universities, art schools and community art centers.

(2) Generally, organiaztions and institutions applying for Crafts Workshop assistance must have been in existence for at least one year.

(3) Crafts Workshop Program applicants or their sponsoring organizations must be tax-exempt, and are required to submit a copy of their Internal Revenue Service tax exemption status letter with the application.

Grant Amounts. Grants will usually not exceed $15,000 and will be made on a matching basis.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than October 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before June 1977 and generally should be carried out during the succeeding twelve months.

How To Apply. Please review the instructions given on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition, please complete the Crafts Supplementary Information Sheet and the white card and return them with your application. Your application will not be considered unless biographies of the craftsmen involved in the workshop and five slides of each craftsman's work are included. (Please read page 46 for detailed instructions on slide submission.) Slides will not be returned.

Grant funds requested should be for the support of workshop activities for not more than one year starting June 1977.

WORKS OF ART IN PUBLIC PLACES

The aim of this program is to give the public access to the best contemporary art in public situations outside museum walls. Plazas, parks, airports, subways, highways and other outdoor spaces will be considered.

Privately owned land may be used as a site, if such land is either under lease to local governments for public purposes, or is what may reasonably be considered as a "public area," i.e., an area to which the general public, or as in the case of a housing development or university complex, the local community has free and unimpeded access.

The Endowment intends that the work of art will contribute to the public's enjoyment, education and enlightenment; that it will create a favorable climate for the reception of all the arts; that it will stimulate an effective partnership between cities, states, private institutions, the private sector, and the Federal Government and that a distinguished heritage of public art will be passed on to future generations.

The program also aims to provide opportunities, challenges and employment for living American artists of exceptional talent and of regional or national significance.

Works of art may be in any one of the following media: sculpture, painting and photography murals, and crafts (ceramic murals and works in fiber). The art should be appropriate both for its immediate site and for the general environment in which it is to be placed.

Funding: Matching funds are required for all Works of Art in Public Places projects. The Endowment recommends that the local funds be raised on as wide a base as is possible for each project. It is the Endowment's experience that successful projects require strong local support—both financial and administrative—from an aesthetically sophisticated group.

The Works of Art in Public Places Program consists of two funding categories each administered differently and each responding to different needs.

CATEGORY I: MAJOR COMMISSIONS

Grant Amounts. Sculpture: over $20,000 and up to $50,000 (matching). Painting, photography and crafts: over $10,000 and up to $25,000 (matching).

Eligibility. Cities, towns, and other nonfederal governmental units; universities and nonprofit tax-exempt private groups; state arts agencies.

Deadline and Announcement Date. Applications must be postmarked no later than September 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before June 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.).

Endowment and matching funds should be allocated for and limited to the artist's fee, fabrication costs for the work, the cost of transporting the work to the site and the dealer's fee, if applicable.

(NOTE: The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealer's fees not exceed ten percent of the artist's fee, after manufacture or cost of the work is subtracted.)

Additional costs such as site preparation, staff salaries, staff travel and administrative expenses will be borne by the applicant. Although these costs will not be considered part of the match, they should be reflected in the budget in order to indicate actual total project costs.

NOTE: Photographs (35mm slides and/or 8" x 10" black-and-white) of the immediate site taken from several angles, and a photograph of the general environment in which the work of art is to be placed must accompany the application. Visual materials will not be returned.

Procedure for Selection of Artist: After approval of a grant, the grantee should appoint three individuals with knowledge of the local area, and of contemporary art, to a selection panel. The Endowment will also appoint three nationally recognized experts to this panel, and the six will meet at proposed site to select the artist to be commissioned. The expenses for the panel meeting will be borne by the grantee and include travel costs, a per diem allowance and an honorarium for each panelist appointed by the Endowment.

While the selection panel is of course free to come to what it considers an appropriate decision, the National Council suggests that the panel keep in mind that opportunities for younger and mid-career artists in the public art area are limited, and should, if possible, be encouraged.

After the artist has been chosen, the grantee should contact the artist and request a model of the project for submission to the local members of the selection panel for their approval. The National Council on the Arts will also have the option to review the model. Contractual arrangements should be worked out directly between the grantee and the artist.

CATEGORY II: WORK FOR DIRECT PURCHASE AND SMALLER COMMISSIONS

Grant Amounts. Sculpture: Up to $20,000 (Matching). Painting, photog-

raphy and crafts: Up to $15,000 (Matching).

Eligibility. Cities, towns and other nonfederal governmental units; universities and nonprofit tax-exempt private groups; state arts agencies. Artists or artists' groups may apply if a community or other governmental unit has indicated sufficient interest in a specific proposal.

Deadline and Announcement Date. Applications must be postmarked no later than September 1, 1976. Notices of approval or rejection will not be sent before April 1977. Your proposed activity should not have a beginning date before June 1977 and generally should be carried out during the succeeding twelve months.

How to Apply. Please review the instructions on page 46 and complete the forms entitled "Project Grant Application" NEA–3 (Rev.).

Applicants should propose to the Endowment an artist whose work they intend to commission or a particular work they would like to purchase for an appropriate site. The names and titles of those responsible for the selection of the artist or work of art and a description of the selection process must accompany the application. Small projects intended to provide opportunities for younger artists will be considered in this category.

For purchased works, Endowment and matching funds should be allocated for and limited to the purchase of the work and, when necessary, the cost of transporting the work to the site.

For commissioned works, funds are to cover the artist's fee, fabrication costs for the work, the cost of transporting the work to the site and the dealer's fee, if applicable.

(NOTE: The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealer's fees not exceed ten percent of the artist's fee, after manufacture or cost of the work is subtracted.)

Additional costs such as site preparation, staff salaries, staff travel and administrative expenses should be borne by the applicant. Although these costs will not be considered part of the match, they should be reflected in the budget in order to indicate actual total project costs.

Applications to be complete must be accompanied by:

Works for Direct Purchase:

(1) Photographs (35mm slides and/or 8" x 10" black-and-white) of the immediate site taken from several angles.

(2) A photograph of the work.

(3) A composite photograph including the work, in proper scale, as it would look on site.

(4) A brief biography of the artist.

Smaller Commissions:

(1) Photographs (35mm slides and/or 8" x 10" black-and-white) of the immediate site taken from several angles.

(2) A brief biography of the artist.

(3) Five slides of completed work by the artist.

Incomplete applications will not be submitted to the advisory committee for review.

NOTE: Should the group require advice before coming to a decision on the art work they feel appropriate, the Endowment will make available a consultant to advise the group. This consultant will be a nationally recognized expert in contemporary public art. The consultant will meet with the local group, inspect the site, discuss contemporary art with the applicants, make suggestions and generally provide professional assistance. The consultant's initial fee will be paid by the Endowment. After the approval of the grant, any further consultant's fees will be paid by the local group.

ART CRITICS' FELLOWSHIPS

To enable art critics to set aside time to pursue a specific project which is not feasible in their present circumstances. Smaller fellowships for travel will also be made to critics to expand their knowledge of the current art scene outside their own region.

Eligibility. Art critics of exceptional talent and accomplishment who are published regularly. For the purposes of this program, art criticism is defined as the investigation, evaluation and exposition of contemporary or recent art. (Art historians are not eligible; historians of art whose concerns are primarily scholarly should apply for funding to either the Fellowship Division or the Research Grants Division of the National Endowment for the Humanities, Washington, D.C. 20506.)

Fellowship Amounts. $5,000 for specific projects. $1,000 for travel.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than May 10, 1976. Notices of awards or rejections will not be sent before December 1976. Your proposed activity should not have a beginning date before February 1977 and should generally be carried out during the succeeding twelve months.

How to Apply. Please review the instructions given on page 35 and complete the forms entitled Individual Fellowship Grant Application NEA–2 (Rev.). In addition, please complete the white card, return it with your application. Critics involved in crafts projects should also complete and return the Crafts Supplementary Information Sheet on page 65.

Please include not more than two articles or essays, neither exceeding 5,000 words. We request that you provide five copies of each article. Copies should be clear and legible. (Articles will not be returned.) Interviews should not be submitted. Please indicate on a (8½" x 11") sheet the specific project you would undertake should you receive a fellowship. Applicants for travel fellowships should indicate the city(ies) they wish to visit.

ARTISTS, CRITICS, PHOTOGRAPHERS AND CRAFTSMEN IN RESIDENCE

To make it possible for art schools, university art departments and other institutions to invite artists, critics, photographers and craftsmen of national reputation for short-term stays to instruct, influence and stimulate students and faculty while practicing their professions. We believe that such circulation of professionals of exceptional talent benefits the students, the faculty and the visiting artists.

Institutions select the artist(s), critic(s), photographer(s) or craftsmen of their choice and work out a mutually acceptable schedule of activities with emphasis on student contact. While new methods are not necessarily better, more inventive ways of bringing this contact about may be desirable: for instance, making the evolution of a work of art itself the teaching situation, or engaging the students as assistants in some project or process.

Eligibility. While aimed primarily at art schools, and university art departments, other organizations such as museums, cities, state art agencies, parks and community centers may also apply.

Grant Amounts. Grants will usually not exceed $1,500 and will be made on a matching basis. Larger grants are occasionally given for extraordinary projects. Project budgets generally should include only artists' fees and transportation for the artist to the university, museum or community center at the start of the project and return to his home at the end of the project.

Deadline and Announcement Date. Applications for this program are accepted and grants are made throughout the year. However, applicatios should be received six months before the planned residency will begin.

How to Apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition please complete the white card and return it with your application. Organizations that intend to place a craftsman in residence should also complete the Crafts Supplementary Information Sheet on page 65. Applications should include a biography and five slides (where applicable) of the work of each intended participant. (Please read page 46 for detailed instructions on slide submission. Slides will not be returned.) Incomplete applications will not be considered.

SERVICES TO THE FIELD

The aim of this program is to assist organizations, artists' groups and individuals concerned with providing services to artists. Applicants are urged to consider the entire scope of the artists' needs and to interpret the program broadly and innovatively. Applicants should indicate the methods by which the results of research will be made available to the field.

Areas of support may include but are not limited to the following:

(1) Dissemination of information through directories and documentation.

(2) Technical research into old and new media.

(3) Services informing, or providing protection for, artists in such areas as medical, disability and life insurance;

tax regulations; legal rights pertaining to contract negotiations and copyright laws; investigations of artists' materials and media with regard to health and safety.

(4) Instruction for artists in the care and handling, storage, shipping and insurance of their own works of art.

Eligibility. Nonprofit, tax-exempt organizations interested in providing services to visual artists. (Established research facilities and other institutions not directly engaged in art activity are encouraged to apply.) Grants will also be made to individuals providing services that are not being undertaken by existing organizations.

Grant Amounts. Grants will generally not exceed $10,000 and in the case of organizations will be made on a matching basis. Individual grants may be nonmatching.

Deadline and Announcement Date. Applications for Fiscal Year 1977 must be postmarked no later than December 1, 1976. Notices of approval or rejection will not be sent before June 1977. The proposed activity should not have a beginning date before July 1977.

How to Apply. Organizations should review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). Individuals should review the instructions on page 35 and complete the forms entitled Individual Grant Application NEA–2 (Rev.) attaching a brief description of the project on one (8½" x 11") sheet. In addition, please complete the white card and return it with your application. If your project involves crafts, please also complete the Crafts Supplementary Information Sheet on page 65.

VISUAL ARTS IN THE PERFORMING ARTS

The aim of this program is to make visual artists available to perform arts groups. (Professional stage and costume designers are not eligible.)

Funds will be available to performing arts groups who wish to engage the services of artists of exceptional talent in three areas:

(1) Design of posters which publicize either a single production or season's schedule. A part of each poster project should be a signed edition.

(2) Design of sets for plays, operas and dance performances.

(3) Design of costumes for plays, operas and dance groups. Applications for sets and costumes may be combined.

Eligibility. Professional performing arts groups (dance companies, orchestras, opera companies, theatre companies). Individual artists may not apply under this program.

Grant Amounts. Up to $1,500 (matching) for design of posters. Up to $5,000 (matching) for design of sets and costumes.

Project funds are mainly intended to be used for the artist's fee and should not replace funds already in company budgets for costumes, sets or posters. In the case of grants for set and costume design, necessary expenses that result directly from the engagement of the artist will be considered.

Deadline and Announcement Date. Application for Fiscal Year 1977 must be postmarked no later than January 1, 1977. Notices of approval or rejection will not be sent before June 1977. Your proposed activity should not have a beginning date before July, 1977 and generally should be carried out during the succeeding twelve months.

How to apply. Please review the instructions on page 46 and complete the forms entitled Project Grant Application NEA–3 (Rev.). In addition please complete the white card and return it with your application. The "Summary of Project Description" should include the specific artist and production(s) to be involved. The artist should be contacted by the company before the application is made. A letter from the artist stating his interest in undertaking the project should be included in the application. The application should also include a biography and five slides of the work of the artist to be involved in the project. (Please read page 46 for detailed instructions on slide submission.) Slides will not be returned.

At the applicant's request, the Endowment makes available expert art consultants to advise on artists appropriate to the applicant's needs.

APPLICATION INFORMATION FOR INDIVIDUAL FELLOWSHIPS

Eligibility. Generally, individual fellowships will only be made to United States citizens. Under special circumstances which must be shown by the applicant, an individual award may be made to an applicant who is not a citizen but who has been lawfully admitted to the United States for permanent residence.

Students are not eligible.

Method of Funding. Fellowships to individuals are made on a non-matching basis.

Review Procedure. Generally, selection will be made from recommendations of an advisory committee and the National Council on the Arts to the Chairman of the Arts Endowment.

Slide Submissions. All slides should be 35mm (suitable for carrousel projection) and must be placed in clear plastic sheets for easy handling. Please indicate on each slide casing:

Your own name;
Title of the work;
Date;
Medium;
Dimension in inches (height preceding width preceding depth);
Top of the work.

Unless stated previously in the description of the grant category, materials submitted to the Endowment will not be returned. Please comply with the limit set of the number of prints or slides which are sent to the Endowment. The advisory committees will only review up to the maximum number allowed.

Application Instructions. Individuals applying to the Endowment must use the forms entitled Individual Fellowship Grant Application NEA–2 (Rev.) printed on the following pages. Applications must be completed and submitted in triplicate with the white card on page 67. Applicants are urged to refer to the grant categories previously described for information on required slides and other materials which must be submitted with the applications.

All application materials must be submitted to the Grants Office (mail stop 500), National Endowment for the Arts, Washington, D.C. 20506.

When completing Individual Grant Application NEA–2 (Rev.) please note the following:

Category: Please state the category within the Visual Arts Program under which support is requested.

Period For Which Support Is Requested: Should be the time span during which activity will occur. The Endowment generally does not provide funds for activities that have occurred in the past.

Career Summary or Background: This should be related to the activity for which support is requested.

Important: If you have applied or expect to apply elsewhere for fellowships or other support for this same period and/or a similar purpose, state the facts regarding such other application(s) in an attachment to your application.

If payment for services will be made to any person other than the grantee, the applicant is required to file with the Grants Office an Assurance of Compliance with the National Foundation on the Arts and the Humanities Regulations Under Title VI of the Civil Rights Act of 1964. The form on page 63 may be removed for this purpose. Please mail completed form to: Grants Office, National Endowment for the Arts, Washington, D.C. 20506. (If the applicant has filed an Assurance of Compliance with the Arts Endowment within the last five years, it is not necessary to complete the Assurance at this time.)

NOTE: The Internal Revenue Code and regulations provide that certain fellowships to individuals who are not candidates for degrees are, within certain limitations, excludable from gross income, for tax purposes. If a fellowship qualifies for this exclusion, the amount is limited to $300 times the number of months the fellowship is intended to cover, but not in excess of 36 months. In addition, amounts received to cover certain expenses for travel, research, clerical help or equipment incident to the fellowship are excludable to the extent of the recipient's actual expenses provided that these expenses are not claimed as a deduction.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

APPLICATION INFORMATION FOR PROJECT GRANTS

Eligibility. By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(1) Organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and too which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. A copy of the Internal Revenue Service Determination letter for tax-exempt status (under Section 501) must be submitted with each application.

(2) Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in federally assisted projects on the basis of race, color, national origin or handicap. Individuals and organizations receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance Form. The form on page 63 may be removed and completed for this purpose. Please mail the completed form to: Grants Office, National Endowment for the Arts, Washington, D.C. 20506. (If the applicant has filed an Assurance of Compliance with the Arts Endowment within the last five years, it is not necessary to complete the Assurance at this time.)

(3) Organizations which compensate all professional performers, related or supporting professional personnel, laborers and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5 and 505 of Title 20 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Methods of Funding. Program funds method: Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application Project Grant Application/NEA–3 (Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs.

Example:

If an applicant requests from the Arts Endowment	$30,000
Then applicant lists match of at least	30,000
And total project budget reflects at least	60,000

Treasury fund method: When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other nonfederal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows nonfederal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Gifts to the Endowment are generally deductible for federal income, estate, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guidelines—organizations such as a museum, a symphony orchestra, a dance, opera or theatre company—or for an Endowment program, such as fellowships, touring, conferences or workshops.

When a restricted gift is received, it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the amount and conditions of the grant, as recommended by the National Council on the Arts and approved by the Chairman.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a treasury fund grant is arranged: Those interested in giving for a specific purpose should note the step by step process described below.

(1) If a project is eligible for consideration under the Visual Arts Program guidelines the applicant submits to the Endowment a formal application, which may include a list of potential donors.

(2) The application is reviewed first by the Visual Arts Advisory Panel and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the applicant.

(3) If the grant award is approved, the applicant then requests that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e., the name of the applicant and specific project supported), and date by which payment will be made to the grantee organization (see below).

Handling procedures: In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method, the following procedures apply:

(1) Gift transmittal letter is received by the Endowment from donor with above specified information.

(2) Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

In the case of individual gifts of less than $5,000, grantee will forward to the Endowment, a list of donors' names, addresses and amounts received, certified by an official of the organization and notarized.

In the case of individual gifts of $5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e., the check or negotiable securities, with a covering letter.

(3) In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence, such as benefit announcement circulars, invitations, posters, et cetera (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching funds, signed by an appropriate official, certifying that the benefit was held on a specified date, yielded a specified sum for Treasury Fund gift purposes related to the grant in question, and that evidence of the benefit will be retained by grantee organization in its files.

(4) In all cases, donors are to make payment on gifts at least 60 days prior to termination of the grant period, and grantee organizations will provide the Endowment with evidence of receipt of payment on gifts at least 30 days prior to the termination of the grant period.

The process in terms of money:

Donor's contribution(s) to Endowment	$25,000
Endowment match from the Treasury Fund	25,000
	50,000
Total Endowment grant	50,000
Grantee's additional project cost	50,000
Minimum total budget of project	100,000

Review Procedure. Generally, selection will be made from recommendations of an advisory committee and the National Council on the Arts to the Chairman of the Arts Endowment.

Reporting Requirements. The Endowment requires a fiscal and narrative report on a project at the end of the grant period.

Slide Submissions. All slides should be 35mm (suitable for carrousel projection) and must be placed in Clear Plastic

Sheets for easy handling. Please indicate on each slide casing:

Your own name;
Title of the work;
Date;
Medium;
Dimension in inches (height preceding width preceding depth);
Top of the work.

Unless stated previously in the description of the grant category materials submitted to the Endowment will not be returned. Please comply with the limit set of the number of prints or slides which are sent to the Endowment. The advisory committees will only review up to the maximum number allowed.

Application Instructions. Organizations applying to the Endowment must use the forms entitled Project Grant Application NEA–3 (Rev.) printed on the following pages. Applications must be completed and submitted in triplicate with the white card on page 67. Applicants are urged to refer to the grant categories previously described for information on required slides and other materials which must be submitted with the applications.

All application materials must be submitted to the Grants Office (mail stop 500), National Endownment for the Arts, Washington, D.C. 20506.

When completing Project Grant Application NEA–3 (Rev.), please follow these instructions that are keyed to the sections of the application form. It is imperative that the application be complete and completed pursuant to these instructions. Failure to comply with the instructions will cause unnecessary delay which may adversely affect consideration of your proposal.

I. *Applicant Organization* must provide assurance that (a) no part of its net earnings inures to the benefit of any private stockholder or stockholders or individual or individuals, and (b) donations to it are allowable as charitable contributions under the standards of subsection c of section 170 of the Internal Revenue Code of 1954 as amended. The applicant organization's name as provided on the application form must be identical with the name of the organization provided in the IRS determination letter or in the official document identifying the applicant organization as a unit of either state or local government.

Non-governmental applicants must attach to their applications a copy of their IRS determination letter.

State or local government units must attach to the application a copy of the official document indicating their status within the state or local government. (These documents will not be returned.)

II. *Program Category Under Which Support Is Requested* should be the category within the Visual Arts Program under which support is requested.

III. *Period of Support Requested* is the span of time necessary to plan, execute and close out the proposed project. Generally the Endowment limits its financial participation in any project to not more than 12 months.

IV. *Summary of Project Description* must be brief but specific and limited to the description of the project for which financial support is requested. All essential elements of the proposal must be included in a concise project summary in the space provided on the application. Project description should include where appropriate the names of key personnel. If applicants wish to supply additional information, they should submit no more than one side of one additional page (8½" x 11") with the application.

Material prepared for presentations other than for this application will be acceptable as a substitute for the project description. Such material may be submitted as attachments. (No material will be returned.)

V. *Estimated Number of Individuals Expected to Benefit From This Project* is the total audience, participants, students, et cetera (excluding employees and/or paid performers) that are anticipated to directly benefit from this project.

VI. *Summary of Estimated Costs* is a recapitulation of direct costs and indirect costs as shown on pages 2 and 3 of the application form.

A. Direct costs are all costs which can be specifically identified with the project.

(1) *Salaries and Wages* must be estimated at rates not lower than the prevailing minimum compensation as set out in Part 505 of Chapter 29 of the Code of Federal Regulations. Copies will be sent on request. Fringe benefits may be included here only if not included as indirect costs.

(2) *Supplies and Materials* include consumable supplies, raw materials for the fabrication of project items, and items of expendable equipment, i.e., equipment items costing less than $200 or with an estimated useful life of less than one year.

(3) *Travel* must be estimated pursuant to applicant's established travel practice or written policy providing that the travel results in a reasonable charge and all travelers use jet economy air coach accommodations.

Foreign travel is not authorized unless it is included in the budget.

(4) *Special* includes permanent equipment such as equipment costing over $200 with an estimated useful life of one year or more, capital improvements, major construction, et cetera. The Endowment has a general policy against support of capital improvements and major construction. Written justification including as a minimum a brief description of the items needed, applicant's purchasing practices, and policy on facilities' maintenance and protection must be submitted. (No materials will be returned.)

(5) *Other* includes consultant and artist fees, honoraria, contractual services, rental of space and/or equipment, transportation of items other than personnel, et cetera. In the event of consultant and artist fees, honoraria, and/or contracts for personal and/or professional services please specify number of persons and applicable fee, rate, or amount of each. Do not include entertainment, fines and penalties, bad debt costs, or contingencies.

B. Indirect costs are those costs incurred for common or joint objectives and not readily assignable to the specific activities benefitted. Indirect costs may be computed by the application of an indirect cost rate established as a result of negotiation with the National Foundation on the Arts and the Humanities Audit Office or another federal agency. A copy of the negotiation agreement must accompany the application. (No materials will be returned.)

VII. *Total Amount Requested From the Arts Endowment.* The amount requested should be rounded to the nearest ten dollars. The Endowment generally requires each applicant to obtain at least 50 percent of the total costs of each project from non-federal sources. In the event the applicant is applying for a Treasury Fund grant, the amount shown must include direct contributions to the Endowment plus the amount needed to match all direct donations. The Treasury Fund method is described on page

VIII. *Organization Total Fiscal Activity*

A. Expenses including Arts Endowment projects funded and anticipated.

B. Revenues, grants and contributions including Endowment grants received and anticipated.

IX. *Budget Breakdown of Total Estimated Cost* need not be provided for items A1, 2, 3, and 4 on pages 2 and 3 of the application form when the applicant requests $10,000 or less for a total project of $20,000 or less.

X. *Contributions, Grants and Revenues*

A. Contributions includes (1) all anticipated cash donations for this project except direct donations to the Endowment and (2) in-kind contributions are the fair-market value or pro rata share of the fair-market value of essential items that are wholly or partially consumed on the project.

B. Grants include all or a pro rata share of anticipated grants either wholly or partially restricted for use on this project (do not include the grant requested by this application). A grant is generally characterized by written authority to spend up to a specified amount of money for a specific purpose.

C. Revenues include all revenues regardless of source expected to be used on this project.

XI. *State Arts Agency Notification* urges each applicant to advise the state arts agency of his state that his application is being made. In the event the address of the state arts agency is unknown such information may be obtained from the Office of the Governor of the applicant's state.

XII. *Certification* must be signed by an official of the applicant organization with authority to legally obligate applicant.

[FR Doc.76–13157 Filed 5–5–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.
Date and time: May 26 and 27, 1976—8:30 a.m. each day.
Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Robert Sorkin, Program Director, Psychobiology Prog., Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–4264.
Purpose of panel: To provide advice and recommendations concerning support for research in psychobiology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 30, 1976.

[FR Doc.76–13180 Filed 5–5–76;8:45 am]

ADVISORY GROUP ON EARTHQUAKE PREDICTION AND HAZARD MITIGATION

Committee Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), I have determined that the establishment of the Advisory Group on Earthquake Prediction and Hazard Mitigation is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9 (a)(2) of the Federal Advisory Committee Act and OMB Circular A–63, Revised.

1. *Designation:* Advisory Group on Earthquake Prediction and Hazard Mitigation.

2. *Purpose:* To review and provide advice to the President's Science Adviser (Director, NSF) on a possible accelerated Federal program on earthquake research and development.

3. *Effective Date of Establishment and Duration:* The establishment of the Advisory Group on Earthquake Prediction and Hazard Mitigation is effective upon filing of the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Advisory Group will continue for one year from the effective date.

4. *Membership:* The membership of the Advisory Group will be fairly balanced in the terms of the points of view represented and the group's function. Membership will consist of approximately 20 eminent persons from universities, industry, state and local governments, and other organizations and will provide expertise and advice contributing to a sound program in this area. There will be no discrimination on the basis of race, color, national origin, religion, or sex.

5. *Advisory Group Operation:* The group will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92–463); Foundation policy and procedures; OMB Circular A–63, Revised; and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB, has waived the 15-day requirement for publication of the notice of establishment in the FEDERAL REGISTER. A meeting of the group is planned for late May, and a notice will be published in the FEDERAL REGISTER.

Dated: May 3, 1976.

H. GUYFORD STEVER,
Director.

[FR Doc.76–13253 Filed 5–5–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–19]

ACCIDENT REPORT; SPECIAL STUDY; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board has released its report on the crash of Eastern Air Lines Flight 66, a Boeing 727, which occurred June 24, 1975, during a precision instrument approach to the John F. Kennedy International Airport, Jamaica, New York. The report, No. NTSB–AAR–76–8, was released May 1. The Safety Board determined that the probable cause of the accident was the aircraft's encounter with adverse winds associated with a very strong thunderstorm located astride the ILS localizer course, which resulted in a high descent rate into the nonfrangible approach light towers. According to the Board, the flightcrew's delayed recognition and correction of the high descent rate were probably associated with their reliance upon visual cues rather than on flight instrument references. However, the Board said, the adverse winds might have been too severe for a successful approach and landing even had they relied upon and responded rapidly to the indications of the flight instruments. Contributing to the accident was the continued use of runway 22L when it should have become evident to both air traffic control personnel and the flightcrew that a severe weather hazard existed along the approach path.

As a result of its investigation of this accident, the Safety Board on April 1 issued 14 recommendations, Nos. A–76–31 through 44, to the Federal Aviation Administration. (See 41 FR 14952, April 8, 1976.) The recommendations concerned approach accidents involving passage of an airplane through or below thunderstorms.

Aviation Special Study and Recommendations. The Safety Board, in a study released April 29, has recommended improvement of the emergency oxygen systems provided for passengers and cabin crewmembers aboard McDonnell Douglas DC–10 and Lockheed 1011 jet airliners. The Board found clearly demonstrated recurring problems with the systems which chemically generate oxygen on the two wide-body airliners—primarily passengers and cabin crewmembers not understanding how to use them. Although no serious injuries have been suffered from misuse or nonuse of oxygen, the Board believes that the potential for serious injuries and fatalities is great. The Board's findings and recommendations are contained in a 43-page special study of the oxygen systems on these airliners—unique in that they employ many small chemical generators to supply oxygen rather than drawing on a central oxygen supply. The study, report No. NTSB–AAS–76–1, is entitled "Chemically Generated Supplemental Oxygen Systems in DC–10 and L–1011 Aircraft."

In a separate letter, also issued April 29, the Safety Board recommended that the Federal Aviation Administration (1) require, after a certain date, that passenger emergency supplemental oxygen systems have readily discernible means to indicate that oxygen is flowing; (2) amend 14 CFR 37.169 "Oxygen Mask Assembly, Continuous Flow, Passenger (for Air Carrier Aircraft)–TSO–C64," to require adjustment tabs on oxygen mask headbands, which can be easily recognized by distinctive shape and color; (3) issue an Airworthiness Directive, requiring installation of adjustment tabs on in-service and in-stock passengers' supplemental oxygen mask headbands; (4) establish service life and periodic inspection requirements for oxygen mask reservoir bags; (5) require that operators of aircraft having the chemically generated passenger supplemental oxygen systems include detailed information regarding the operational characteristics

of these systems in the training programs for their cockpit and cabin crewmembers; such information should include flow rates and the time and volume lag in the delivery of oxygen; (6) issue an Advisory Circular (AC) to all Parts 121, 123, and 135.2 certificate holders to provide guidelines for improved passenger briefings and printed instructions for using chemical supplemental oxygen systems; (7) issue an Operations Bulletin for a review of oral briefings and passenger safety cards for each Part 121, 123, and 135.2 certificate holder to assure that briefings and printed instructions for using the passenger chemical supplemental oxygen system are factual and unambiguous and conform to the guidelines of the above AC; (8) develop standards for use of accepted human factors engineering principles and system design concepts in the design of passenger supplemental oxygen systems; and (9) develop standards for type certification demonstration tests of passenger supplemental oxygen systems. The first six recommendations, Nos. A–76–20 through 26, are labeled Class II, for priority followup; recommendations A–76–27 and 28 are Class III, for longer-term followup.

Safety Board Recommendations. Board investigation of four Fairchild Model FH–1100 helicopter accidents has revealed that the method of attaching the flight controls of this aircraft does not provide optimum protection against human error. Location and dates of these four accidents are: Fremont, California, June 27, 1975; Pinedale, Wyoming, August 28, 1974; Fairbanks, Alaska, October 23, 1973; and Fairbanks, Alaska, August 3, 1969. By letter issued April 28, 1976, the Safety Board recommended that the Federal Aviation Administration (1) issue an Airworthiness Directive to require an immediate inspection of all self-locking fasteners in the flight control systems of the Fairchild Model FH–1100 helicopters; and (2) issue an Airworthiness Directive to require that all bolts and self-locking nuts in the flight control systems of of the Fairchild FH–1100 helicopters be replaced with dual locking devices. The Class II recommendations, Nos. A–76–65 and 66, are for priority followup.

As a result of investigation of the February 4, 1976, collision of two opposing Penn Central freight trains near Pettisville, Ohio, the Safety Board recommends that the Federal Railroad Administration insure that switches in signal territory are so protected that related signals governing train movements will display their most restrictive aspects if the switch points do not close properly. This Class I (urgent followup) recommendation, No. R–76–15, was issued by letter dated April 28. The Board expects to publish a full report on this accident in the near future.

Letters in Response to Safety Board Recommendations. Addresses of earlier Board recommendations in the aviation, highway, marine, and pipeline transportation modes have recently supplied the following letters in response:

From the Department of Transportation—

Federal Aviation Administration—Letter of April 26, regarding recommendation A–76–59, is in response to the Board's April 9 letter to FAA (41 FR 16893, April 22, 1976). FAA refers to General Electric's plans to make one or more tests of the CF6 engine to validate the use of an aluminum honeycomb fan booster compressor shroud strip. The first test is scheduled for the end of April. Any decision by FAA with respect to actual bird ingestion tests awaits analysis of GE test results. An FAA task force, in pursuing the airport bird hazards, has visited since March 12 airports in New York (John F. Kennedy); Washington, D.C. (Dulles); Georgia (Peachtree-DeKalb); Florida (Tallahassee and Jacksonville), and South Carolina (Charleston). According to FAA, the visits have provided valuable information for developing a national bird-hazard reporting and alleviation program. FAA states, "As a first step, a General Notice (GENOT—an FAA internal telegraphic message) was developed and transmitted to all regions to implement a 60-day special emphasis program designed to identify airports having bird problems and to initiate action directed at alleviating the hazards at these airports. The GENOT included a list of available publications to assist field personnel in the formulation of local programs." A copy of this GENOT is attached to FAA's letter.

Federal Highway Administration—Letter of April 21 is in further response to recommendation H–75–17. (For FHA letter of last November 4, see 40 FR 52891, November 13, 1975.) FHA has now developed an "On Guard" informational bulletin setting forth the proper method of adjusting brakes on commercial vehicles equipped with air-mechanical brake systems. A copy of the "On Guard" bulletin is attached to the letter.

National Highway Traffic Safety Administration—Letter of April 20 responds to recommendation H–76–7 (41 FR 12360, March 25, 1976). The recommendation asked that NHTSA develop and issue a Federal Motor Vehicle Safety Standard to insure that wheelwell components can withstand fires and resist penetration by objects propelled by wheel rotation. The incident which prompted the recommendation was the loss of a Metro bus when a rear wheel bearing failed, causing a heat buildup which eventually ignited the lubricant and polyurethane undercoating. A similar bus wheelwell incident, at Jacksonville, Florida, November 20, 1975, was cited by the Board in the recommendation letter. NHTSA states that while such incidents in themselves are not considered sufficient justification for initiating a safety standard at this time, they are "important indicators toward action." NHTSA believes that the investigative reports are sufficient to stimulate bus manufacturers to examine and improve their products and plans "to urge them to do so and request their reaction immediately." NHTSA states, "In the interim, these accident reports will be retained in our files to further determine the presence or absence of a hazardous accident pattern. If such a pattern is exhibited and/or manufacturers appear unable or unwilling to take proper countermeasures, then we will begin rulemaking."

U.S. Coast Guard—Letter of April 13 is an update on recommendations M–75–1 and 2, issued after investigation into the grounding of the *SS Hillyer Brown* at Cold Bay, Alaska, March 7, 1973 (NTSB–MAR–75–1). Re recommendation M–75–1, the Marine Traffic Requirements, now entitled Navigation Safety Regulations, referenced in Coast Guard's letter of last October 28, will be published as a notice of proposed rulemaking prior to July 1, 1976. (See 40 FR 52892, November 13, 1975.) Re recommendation M–75–2, the letter states that the Commandant Notice, which will serve as a guidance to District Commanders for dissemination of safety information to mariners, was issued to units within the Coast Guard on March 23, 1976. The content of this Notice was spoken to in Coast Guard's response of October 28, 1975.

Letter of April 27, also from the Coast Guard, provides an update of response to recommendations 71–M–32 and 33 which were issued as a result of investigation into the explosion and sinking of the *SS Badger State* in the North Pacific Ocean, December 26, 1969 (Board report released December 7, 1971). These recommendations asked that the Coast Guard, with the assistance of the U.S. Navy and U.S. Army, (1) develop military explosives stowage criteria to meet specific vessel response to dynamic environmental conditions; and (2) conduct a design study to develop, on an engineering basis, stowage design requirements supporting these criteria, which should include shipboard measurable parameters of angles of roll and period of roll. The Coast Guard states that, in order to determine scientifically sound stowage criteria aboard vessels, it has contracted with the Naval Ship Research and Development Center to study and develop necessary data required for such determination. The preliminary draft from the center has been received and is undergoing technical review, according to the Coast Guard.

Materials Transportation Bureau—Letter of April 19 concerns recommendation P–76–2, issued in connection with the March 15, 1974, Southern Gas Company pipeline explosion near Farmington, New Mexico. (See 41 FR 4366, Jan- pany pipeline explosion near Farmingfice of Pipeline Safety Operations (OPSO) has been reviewing, at least annually, its records on longitudinal weld failures. An appendix to the letter summarizes the longitudinal weld in-service failures for transmission and distribution gas and liquid pipeline systems and the longitudinal weld test failures for transmission gas systems reported to OPSO from 1970 to 1975. These statistics indicate that over the past few years longitudinal weld failures have caused a very small percentage of failures and continue to become even

more insignificant. The letter notes that most of these seam weld failures occurred in older pipe, a larger number occurring in electrical-resistance welds. During the past 15 years, according to MTB, technology for making these welds and other welded seam pipe and the technology of "nondestructive inspection" have improved significantly. MTB states, "because of the improved quality control in the manufacture and installation of pipe in recent years, it would be highly unlikely for pipe containing defects, such as the ones found in Southern Union's pipeline, to be placed in service today." OPSO continually monitors pipeline operators for compliance with the existing minimum Federal safety standards for both gas and liquid pipelines, according to MTB's letter.

From El Paso Natural Gas Company of El Paso, Texas—

The company's letter of March 26 responds to recommendation P–75–15 issued in connection with an explosion last October 13 at the company's gas processing plant at Goldsmith, Texas. (See 40 FR 54030, November 20, 1975.) The letter details procedures employed by inspection teams at that and other company plants, using ultrasonic testing equipment, to locate and eliminate areas of potential pipe failure and/or safety hazards. While the company has completed its program, it plans to continue inspection on a regularly scheduled basis.

The accident report, the special study, and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports and special studies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 3, 1976.

[FR Doc.76–13226 Filed 5–5–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION UNITS 1 AND 2

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Diablo Canyon Nuclear Power Station, Units 1 and 2 will hold a meeting on May 21, 1976 at the San Luis Bay Inn, Marre Ranch, P.O. Box 188, Avila Beach, CA. The purpose of this meeting is to continue review of the application of the Pacific Gas and Electric Company for a license to operate Units 1 and 2.

The agenda for subject meeting shall be as follows:

Friday, May 21, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Pacific Gas and Electric Company, and their consultants, pertaining to the seismic design of the plant, and will hold discussions with these groups pertinent to this review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than May 14, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on May 19, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

Persons with agreements or orders permitting access to proprietary information, other than safeguards information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 28, 1976 at the NRC Public Document Room 1717 H St. NW., Washington, D.C. 20555 and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after August 30, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: April 28, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.70-12852 Filed 5-4-76;8:45 am]

ATOMIC SAFETY AND LICENSING BOARD

Notice of Establishment

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Consolidated Edison Company of New York, Inc. Power Authority of the State of New York (Indian Point Station, Unit #3), Facility Operating License No. DPR-64, as amended.

This action is in reference to a Federal Register Notice entitled "Availability of Licensees' Report" published by the Commission in the above matter (41 F.R. 12933, March 29, 1976). The members of the Board are:

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. R. Beecher Briggs, Member
110 Evans Lane
Oak Ridge, Tennessee 37830

Dr. Franklin C. Daiber, Member
College of Marine Studies
University of Delaware
Newark, Delaware 19711

Dated at Bethesda, Maryland this 26th day of April 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-12853 Filed 5-5-76;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment (1) revises the steam generator tube plugging limits by establishing a minimum tube wall thickness of 36% of the original tube wall and by establishing operating allowances to be added to this minimum thickness for the next operating interval, (2) requires the next inservice inspection of the steam generator tubes be conducted at the end of no more than 15 months after startup in April 1976, (3) revises the procedures for hydrostatic and leak testing, (4) cancels the requirements for a steam generator chemical flushing program initiated in August 1974, (5) adds Technical Specifications for secondary coolant conductivity, pH, and sodium and primary coolant radioiodine, (6) changes allowable calculated steam generator leakage to 0.6 gallons per minute during startup and major load changes, (7) applies the previous leakage limit of 0.3 gpm to steady-state operation, (8) revises reactor coolant and secondary coolant sampling requirements, (9) cancels the monthly report of secondary water chemistry, since this requirement is replaced by item (5) above, and (10) revises the allowable limit of secondary coolant radioiodine.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on February 19, 1976 (41 FR 7595). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated January 30, March 9, and April 3, 1976, and supplementary information dated February 12, March 1, 18, and 22, and April 6, 1976, (2) Amendment No. 20 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-12854 Filed 5-5-76;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Order for Evidentiary Hearing

Before the Atomic Safety and Licensing Board. In the matter of Florida Power & Light Company, (St. Lucie Nuclear Power Plant Unit 2).

The evidentiary hearing on radiological health and safety matters in these proceedings will commence on Thursday, May 20, 1976, at 9:30 a.m., at the Holiday Inn Oceanside, Banquet Room, Highway A-I-A, Hutchinson Island, Florida. Hearings will continue through May 21; hearings will resume on Tuesday, May 25 and will continue through Friday, May 28, 1976.

It is so ordered.

Dated at Bethesda, Maryland this 27th day of April 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
EDWARD LUTON,
Chairman.

[FR Doc.76-12855 Filed 5-5-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment added new containment automatic isolation valves. These valves will be utilized as part of the nitrogen recirculation system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 3, 1976, (2) Amendment No. 24 to License No. DPR–46, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of April, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–12856 Filed 5–5–76;8:45 am]

[Docket No. 50–267]

PUBLIC SERVICE COMPANY OF COLORADO

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR–34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment adds surveillance requirements for helium circulators and helium circulator Pelton wheels.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 5, 1976, (2) Amendment No. 12 to License No. DPR–34, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 26th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Special Reactors Branch, Division of Project Management.

[FR Doc.76–12857 Filed 5–5–76;8:45 am]

[Docket Nos. 50–361, 50–362]

SOUTHERN CALIFORNIA EDISON CO., ET AL.

Notice of Hearing

In the matter of Southern California Edison Company, et al. (San Onofre Nuclear Generating Station, Units 2 and 3).

Please take note, that the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission will hold an Evidentiary Hearing in the matter of Southern California Edison Co., et al., to consider the question of whether an alternative exclusion area, as proposed for the San Onofre Nuclear Generating Station, Units 2 and 3, satisfies the requirements of Section 100.3(a) of the Regulations of the United States Nuclear Regulatory Commission. More specifically, the Atomic Safety and Licensing Board will determine, after ascertaining the facts, whether Southern California Edison Company and San Diego Gas and Electric Company have met their burden of establishing that their lack of control over the tidal beach within the exclusion area of the San Onofre Nuclear Generating Station, Units 2 and 3, is de minimus.

The evidentiary hearing will commence on May 19, 1976, at 10:30 a.m., in the Judge's conference room, 5th floor, Los Angeles County Courthouse, 110 North Grande Avenue, Los Angeles, California 90012, and will continue each day thereafter, with the exception of Saturdays and Sundays, until completion.

At the Evidentiary Hearing, Southern California Edison Company and San Diego Gas and Electric Company, the consolidated intervenors and the staff of the United States Nuclear Regulatory Commission are directed to appear and present evidence in accordance with the stipulation of the issues approved by the Atomic Safety and Licensing Board in this matter on April 9, 1976, and the Pre-Hearing Conference Order issued in this matter by the Atomic Safety and Licensing Board on April 6, 1976.

So ordered.

ATOMIC SAFETY AND LICENSING BOARD.
MICHAEL L. GLASER,
Chairman.

APRIL 26, 1976.

[FR Doc.76–12858 Filed 5–5–76;8:45 am]

[Docket Nos. 50–346A, 50–500A & 50–501A; 50–440A & 50–441A]

TOLEDO EDISON CO., ET AL.

Reconstitution of Atomic Safety and Licensing Appeal Board

The Toledo Edison Company and The Cleveland Electric Illuminating Company, (Davis-Besse Nuclear Power Station, Units 1, 2, & 3) and The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2)

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Richard S. Salzman
Jerome E. Sharfman

Dated: April 26, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–12859 Filed 5–5–76;8:45 am]

[Docket Nos. STN 50–483 & STN 50–486]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Richard S. Salzman, Chairman
Dr. W. Reed Johnson
Jerome E. Sharfman

Dated: April 26, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–12860 Filed 5–5–76;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised certain license provisions and the Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes the license and Technical Specifications to provide standard provisions for possession of special nuclear, source, and byproduct materials and incorporates surveillance requirements for leakage testing of sealed sources in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 19, 1975, and supplement dated March 15, 1976, (2) Amendment No. 24 to Facility Operating License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-12861 Filed 5-5-76;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment (1) revises provisions in the Technical Specifications related to the replacement of fuel assemblies in the Palisades core with fuel assemblies of a different design, constituting refueling of the core for operation with Cycle 2 at power levels up to 2200 MWt (100% power), (2) incorporates operating limits in the Technical Specifications based on an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46, (3) modifies various limits established in accordance with the Commission's Interim Acceptance Criteria, and (4) terminates the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and imposes instead limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on February 23, 1976 (41 FR 8002). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 9, 1975, and January 30 and April 5, 1976, as supplemented and amended, (2) Amendment No. 21 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-13137 Filed 5-5-76;8:45 am]

[Docket Nos. 50-458; 50-459]

GULF STATES UTILITIES CO. (RIVER BEND STATION, UNITS 1 & 2)

Resumption of Hearing

Please take notice that the public, evidentiary hearing that has been underway in this proceeding before this Atomic Safety and Licensing Board (the Board), and which adjourned April 7 in St. Francisville, Louisiana, to permit the parties more time to prepare their evidence for the balance of the hearing, will resume again at 9:30 A.M. local time, Tuesday, May 25, 1976, at the following location:

Holiday Inn, U.S. 61 & State Route 10, St. Francisville, Louisiana 70775.

The purpose and scope of this construction permit hearing was set forth in the Board's earlier Notice of Hearing dated March 17, 1976 (41 Fed. Reg. 12363, Mar. 25, 1976), as well as in the Atomic Energy Commission's original Notice of Hearing dated October 17, 1973 (38 Fed. Reg. 29243, Oct. 23, 1973).

All interested members of the public are invited to attend the proceeding.

It Is So Ordered.

Issued at Bethesda, Maryland this 30th day of April 1976.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.76-13138 Filed 5-5-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as

necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

As a part of this program, an IAEA draft Safety Guide, SG–D3, "Protection Systems in Nuclear Power Plants," has been developed, and the NRC staff is soliciting comments on the Guide from the U.S. public. An IAEA Working Group, consisting of Mr. E. M. Yaremy of Canada and Mr. L. Stanley of the United States of America, developed this draft from an IAEA collation during a meeting in March 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Committee on Design at a meeting in Vienna, Austria on June 7, 1976. In order to have them in time for the June 1976 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by May 30, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 28th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–13139 Filed 5–5–76;8:45 am]

[Docket Nos. STN 50–518, STN 50–519, STN 50–520 & STN 50–521]

TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANT, UNITS 1A, 2A, 1B & 2B)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. Lawrence R. Quarles
Jerome E. Sharfman

Dated: April 29, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–13140 Filed 5–5–76;8:45 am]

[Docket No. STN 50–437]

OFFSHORE POWER SYSTEMS

Notice of Change in Prehearing Conference Location

In the Matter of Manufacturing License for Floating Nuclear Power Plants.

PLEASE TAKE NOTICE that the Fifth Prehearing Conference scheduled by this Board's Order of April 20 to take place in Washington, D.C. on Tuesday, May 11, 1976, has been changed in its location from the Postal Rate Commission Hearing Room to the following new location:

NRC Public Hearing Room, 5th Floor, East/West Towers Bldg., 4350 East West Highway, Bethesda, Maryland 20014.

As stated in the earlier Notice, this Fifth Prehearing Conference will start at 9:30 A.M., local time.

Issued at Bethesda, Maryland this 3rd day of May 1976.

It Is So Ordered.

For the Atomic Safety and Licensing Board,

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.76–13358 Filed 5–5–76;8:45 am]

[Docket No. P–599–A]

TENNESSEE VALLEY AUTHORITY

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated April 30, 1976:

You have requested our advice pursuant to Section 105 of the Atomic Energy Commission Act of 1954, as amended, in regard to the above-captioned application. These two as yet unnamed units will each be capable of generating 1300 mw of electricity and are scheduled to begin commercial operation in 1983–1984.

On December 11, 1972 the Department of Justice rendered antitrust advice to the Commission regarding Tennessee Valley Authority's application for construction permits for its proposed Watts Bar Nuclear Plant. We have also rendered advice in connection with TVA's Bellefonte Nuclear Plant, Hartsville Nuclear Plant and X–21, X–22 Nuclear Plants. We have examined the information submitted by applicant in connection with the present application, as well as other pertinent information with respect to applicant's competitive relationships which has become available during the past year. None of the foregoing information provides any basis for changing the conclusions which we set forth in connection with TVA's earlier license applications. Our conclusion, therefore, is that so far as we are aware, there are no antitrust problems which would require a hearing by your Commission on the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by June 5, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission,

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76–13359 Filed 5–5–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to PL 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on May 21–22, 1976, at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004. The meeting will convene at 9:30 a.m. on May 21, and adjourn at 12 noon on May 22, 1976.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The tentative agenda for the above meeting is as follows:

FRIDAY, MAY 21

9:30 a.m. to 3 p.m., Briefing on Legislation and Education of Adolescence, (Speakers to be announced).
3 to 4 p.m., Committee Meetings: Legislative Committee, Adolescence Committee.
4 to 5 p.m., Committee on Mandated Studies, Committee on Parent Involvement.
5 p.m., Recess.

SATURDAY, MAY 22

9:30 to 10:15 a.m., Reports from Committees:
9:30, Adolescence.
9:45, Mandated Studies.
10, Parent Involvement.
10:15, Legislative.
10:30 to 11:30 a.m., Council Activity Reports: Report on Conference in New Jersey, Report on Early Childhood Conference, Reston, Virginia, Report on Migrant Conference, Administrative Concerns.
12 noon, Adjournment.

The entire meeting will be open to the public but because of limited space, all persons wishing to attend should contact the Council office for reservations no later than May 11, 1976, Area Code 202/382–6945.

Requests to address the Council meeting should be submitted in writing to the Chairman with a copy to the Executive Director approximately ten (10) days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on May 4, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-13335 Filed 5-5-76;8:45 am]

RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE

Public Meeting

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee will hold a meeting on June 16, 1976, at the offices of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 13th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include a discussion of the results and presentation of the 13th Actuarial Valuation. It is expected that the text and the tables which constitute the Valuation will have been prepared in presumed—final form for review by the Committee and that this will be the last meeting of the Committee before publication of the Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, % Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: April 30, 1976.

By Authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.76-13158 Filed 5-5-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9271; 811-2510]

AMERICAN GENERAL LIFE INSURANCE COMPANY OF NEW YORK AND AMERICAN GENERAL LIFE INSURANCE COMPANY OF NEW YORK, SEPARATE ACCOUNT C

Application for an Order Declaring That Separate Account C Has Ceased To Be an Investment Company

APRIL 29, 1976.

Notice is hereby given that American General Life Insurance Company of New York (the "Company"), a stock life insurance company incorporated under New York law, and American General Life Insurance Company of New York Separate Account C ("Separate Account C"), 90 Presidential Plaza, Syracuse, New York 13202, a unit investment trust registered under the Investment Company Act of 1940 ("Act") (collectively referred to as "Applicants") filed an application on February 9, 1976 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Separate Account C 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.

Applicants assert that Separate Account C was registered under the Act by filing a Form N-8A Notification of Registration on August 8, 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 Separate Account C's contracts were filed with the Commission on September 3, 1974. Sale of the contracts has never been approved by the New York State Insurance Department and the Company has determined not to proceed with a proposed public offering of the contracts. The Separate 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 excludes 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 such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following 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 hereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13125 Filed 5-5-76;8:45 am]

[File No. 500-1]

MACRODATA CORP.

Suspension of Trading

APRIL 29, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Macrodata Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:00 a.m. (EDT) on April 29, 1976 through May 8, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13126 Filed 5-5-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on May 17 and 18, 1976 at 500 North Capitol Street, Washington, D.C. 20549, Room 776 beginning at 9:30 A.M. on May 17 and at 8:30 A.M. on May 18. The initial notice of this meeting appeared in the FEDERAL REGISTER on February 26, 1976. There will also be a joint open meeting of the Market-Making and Trading Rules working groups of the Board, beginning at 5:00 P.M. on May 17 at the same location.

In addition, the Board will conduct open meetings on June 21 and 22, 1976 at a location to be determined at the May meeting and published in the FEDERAL REGISTER shortly thereafter.

The summarized agenda for the May meeting of the Board is as follows:

1. NASD President and certain senior officers in attendance in order to respond to any questions orf comments of the Board regarding the NASD's submission.
2. Discussion of administration of a national market system.
3. Discussion of off-board principal transactions by exchange members.
4. Discussion of market-making in a national market system.
5. Review of Board's deliberations to date.

The summarized agenda for the joint meeting of the working groups on Market-Making and Trading Rules is as follows:

1. Prepare for discussions of off-board principal transactions and market-making at the May 18 Board meeting.

2. Consider contents of the Board's recommendations to the Commission on in-house agency crosses.

Further information may be obtained by writing James P. Cullen, Counsel to the Board, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: April 29, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-13127 Filed 5-5-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

APRIL 30, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from May 1, 1976 through May 10, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13183 Filed 5-5-76;8:45 am]

[Release No. 12394 (File No. SR-MSTC-76-3)]

MIDWEST SECURITIES TRUST CO.

Order Approving Proposed Rule Change Submitted by the Midwest Securities Trust Company

APRIL 29, 1976.

On March 8, 1976, the Midwest Securities Trust Company ("MSTS"), a wholly-owned subsidiary of the Midwest Stock Exchange, Inc., submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") consisting of an agreement and procedures designed to expand the interface between MSTC and Pacific Securities Depository Trust Company ("PSDTC"). The interface currently permits book-entry movement from a participant's account in MSTC to such participant's account in PSDTC.

The expansion permits a participant firm in both MSTC and PSDTC to transfer stock by bookkeeping entry from the firm's PSDTC account to its account in MSTC. In connection with the proposed rule change, MSTC requested that the Commission continue its previous finding pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 F.R. 11897, March 22, 1976), and the public was invited to submit comments until April 12, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12197, March 12, 1976. No letters of comment were received.

In connection with its review of the submission, the Commission requested representations from MSTC concerning the operation of the expansion of its interface with PSDTC. The representations were made in a letter from MSTC dated April 22, 1976 which was incorporated in the MSTC submission and included in the public file.

The Commission has reviewed the MSTC submission and finds that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors. The Commission finds also that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSTC-76-3 be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13182 Filed 5-5-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1238]

MASSACHUSETTS

Declaration of Disaster Area

The town of Palmer in Hampden County, Massachusetts, constitutes a disaster area because of damage resulting from a fire which occurred on January 16, 1976. Eligible persons firms and organizations may file applications for loans for physical damage until the close of business on June 28, 1976, and for economic injury until the close of business on January 28, 1977.

Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114.

or other locally announced locations.

Dated: April 28, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-13159 Filed 5-5-76;8:45 am]

[Declaration of Disaster Loan Area No. 1240]

TEXAS

Declaration of Disaster Area

Dallas County and adjacent counties within the State of Texas, constitute a disaster area because of damage resulting from flooding which occurred on April 19, 1976. Eligible persons, firms and oganizations may file applications for loans for physical damage until the close of business on June 28, 1976, and for economic injury until the close of business on January 28, 1977, at:

Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75202.

or other locally announced locations.

Dated: April 29, 1976.

JOHN T. WETTACH,
Acting Administrator.

[FR Doc.76-13160 Filed 5-5-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-8]

NATIONAL SOYBEAN PROCESSORS ASSOCIATION AND AMERICAN SOYBEAN ASSOCIATION

Postponement of Hearings

A hearing in this case was originally scheduled for 10 a.m. on Tuesday, May 11, 1976, at the Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., Room 730. (41 F.R. 15384)

The petitioner has requested that the hearing be postponed. Consequently the hearing has been rescheduled for Thursday, May 20, 1976, at 10 a.m. in Room 730, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C.

A final date of May 4, 1976 was earlier fixed for receipt or requests to present oral testimony with accompanying briefs. In light of the postponement of the hearing, this deadline is extended until May 13, 1976.

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of Special Representative for Trade Negotiations.

[FR Doc.76-13185 Filed 5-5-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Volume 29]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

APRIL 30, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before June 7, 1976. Such protest shall comply with Special Rule 247 (d) of the Commission's General Rules of Practice (49 CFR § 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 2052 (Sub-No. 6) (Notice of filing of petition to modify commodity description), filed April 16, 1976. Petitioner: BLAIR TRANSFER, INC., 203 South 9th Street, Blair, Nebr. 68008. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a common carrier certificate in MC 2052 (Sub-No. 6), issued January 28, 1976, authorizing transportation over irregular routes, of (1) *Farm feed wagons, manure spreaders, elevators, platform feeders, grader blade attachments, and plow harrows*, from the facilities of Blair Manufacturing Company located at Blair, Nebr., to points in North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri, and Illinois; and (2) *materials equipment*, and *supplies* used in the manufacture, sale, and distribution of the commodities specified in (1) above, from points in North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri, and Illinois, to the facilities of Blair Manufacturing Company, located at Blair, Nebr., restricted in (1) and (2) above against the transportation of commodities in bulk and commodities which because of size or weight require the use of special equipment. By the instant petition, petitioner seeks modification of the, commodity description in (1) above so as to read: "agricultural implements, machinery, equipment and parts, and road construction machinery, equipment, attachments and parts", and modification of the commodities named in (2) above so that the commodities specified upon which materials, equipment, and supplies subject to "use" test may be transported are those sought in the modification to Part (1) of this petition.

No. MC 61231 (notice of filing of petition to remove restriction), filed April 13, 1976. Petitioner: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Petitioner's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Petitioner holds a motor *common carrier* Certificate in No. MC 61231, issued April 28, 1971, authorizing transportation, as pertinent, over irregular routes, of *building materials, feeds, forest products*, including lumber and fence posts, *livestock* including horses, and *unprocessed farm products*, between points in Minnesota, North Dakota, Iowa, and Illinois (except between points in the commercial zone as defined by the Commission of Fargo, N. Dak., on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission). By the instant petition, petitioner seeks to delete from the above authority, the restriction "except between points in the commercial zone as defined by the Commission of Fargo, N. Dak., on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission". The rest of the Certificate remains the same.

No. MC 113678 (Sub-No. 380) (notice of filing of petition to modify commodity description and to add additional destination States) filed April 16, 1976. Petitioner: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Petitioner's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* Certificate in No. MC 113678 (Sub-No. 380), issued April 12, 1971, authorizing transportation over irregular routes, of *frozen bakery products*, from Marysville, Pa., to points in Tennessee, Oklahoma, Louisiana, Arkansas, Mississippi, Alabama, Michigan, Missouri, Utah, California, Washington, Arizona, New Mexico, Texas, Georgia, Florida, North Carolina, South Carolina, Virginia, Illinois, Kentucky, Nebraska, Colorado, Minnesota, Kansas, Wisconsin, and Iowa, restricted to the transportation of shipments originating at Marysville, Pa. By the instant petition, petitioner seeks: (1) to modify its commodity description so as to read "Bakery products"; and (2) to modify its territorial description by adding Idaho, Montana, and Oregon as additional destination points.

No. MC 129862 (Sub-No. 3) (notice of filing of petition to modify commodity description and change names of contract shippers), filed April 6, 1976. Petitioner: RAJOR, INC., P.O. Box 756, 2 Lewisburg Pike, Franklin, Tenn. 37064. Petitioner's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Petitioner holds a motor *contract carrier permit*, in No. MC 129862 (Sub-No. 3), issued December 29, 1975, authorizing transportation over irregular routes, of (1) *running gears, hitches*, and *fenders* used for mobile homes, motor homes, trailers and recreational vehicles, from Anaheim and Los Angeles, Calif., Tiffin, Ohio, and Dayton, Oreg., to points in the United States (except Alaska and Hawaii and with no service to California when shipments originate at Los Angeles and Anaheim); (2) *components, materials, and supplies* used in the manufacture, production, and assembly of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Anaheim, and Los Angeles, Calif., Tiffin, Ohio, and Dayton, Oreg.; (3) *electric and gas refrigerators* for mobile homes, motor homes, and trailers, and *parts* for such refrigerators, from Baltimore, Md., Elizabeth, N.J., Elkhart, Ind., Dayton, Oreg., and Los Angeles and Anaheim, Calif., to points in the United States (except Alaska and Hawaii and with no service to California when shipments originate at Los Angeles and Anaheim); (4) *outdoor, advertising metal poster panels, school furniture and lockers, portable filing cabinets, crane and construction machinery cabs and components*, from Tiffin, Ohio, to points in the United States (except Alaska and Hawaii); and

(5) *Components, materials, and supplies* used in the manufacture, production, and assembly of the commodities described in (4) above, from points in the United States (except Alaska and Hawaii), to Tiffin, Ohio, restricted to a transportation service to be performed under a continuing contract, or contracts, with the Hadco Engineering Division of A–T–O, Inc.; (6) *concrete mixers, mortar mixers, machines* used for applying concrete, mortar, plaster, fireproofing, and similar materials, *road rollers, saws, motors, commercial air cooling systems and their pads*, and *air make-up heating and cooling equipment*, from Los Angeles, Calif., and Elizabeth, N.J., to points in the United States (except Alaska and Hawaii); (7) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (6) above, from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif., and Elizabeth, N.J.; (8) *air coolers* and *air make-up heating and cooling equipment*, from Little Rock, Ark., to points in the United States (except Alaska and Hawaii); (9) *components, materials, and supplies* used in the manufacture, production, and assembly of the commodities described in (8) above, from points in the United States (except Alaska and Hawaii), to Little Rock, Ark.; and (10) *machinery parts*, from Los Angeles, Calif., to Little Rock, Ark., and Elizabeth, N.J., restricted in (6) through (10) above to a transportation service to be performed under a continuing contract, or contracts, with Essick Manufacturing Division of A–T–O, Inc.; (11) *fire extinguishers* (charged and not charged) portable hand and wheeled, *fire extinguisher compounds, brass fire hose nozzles, brass fire hose couplings, brass valves and fittings, brass castings, brass fire engine accessories and equipment*, and *fire hose*, from Ranson and Charles Town, W. Va., and Charlottesville, Va., to points in the United States (except Alaska and Hawaii); (12) *components, materials, and supplies* used in the manufacture, production, and assembly of the commodites described in (11) above, from points in the United States (except Alaska and Hawaii), to Ranson and Charles Town, W. Va., and Charlottesville, Va.;

(13) *Fire hose* (with or without brass nozzles), *brass hose couplings* and *brass valves*, From North Bergen, N.J., to points in the United States (except Alaska and Hawaii); and (14) *components, materials, and supplies* used in the man-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ufacture, production, and assembly of the commodities described in (13) above, from points in the United States (except Alaska and Hawaii), to North Bergen, N.J., restricted in (11) thorugh (14) above to a transportation service to be performed under a continuing contract, or contracts, with Badger-Powhatan-Blaze Guard Divisions of American La France, Inc., a subsidiary of A–T–O, Inc., and further restricted in all of the above against the transportation of commodities in bulk, in tank vehicles. By the instant petition, petitioner seeks (I) to modify the commodity description of part (4) to read *"Outdoor advertising metal poster panels, school furniture, lockers, portable filing cabinets, crane and farm and construction machinery cabs and components;* and (II) to modify its authority by (a) substituting Essick Manufacturing Division of A–T–O, Inc., as the contracting shipper with respect to parts 1 to 3 above, in lieu of Hadco Engineering Division of A–T–O, Inc; (b) substituting Tiffin Metal Products Division of A–T–O, Inc., as the contracting shipper with respect to parts 4 and 5 above, in lieu of Hadco Engineering Division of A–T–O, Inc.; and (c) by substituting Badger-Powhatten-Blaze Guard Division of A–T–O, Inc., as the contracting shipper with respect to parts 11 to 14 above, in lieu of the Badger-Powhatten-Blaze Guard Divisions of American La France, Inc., a subsidiary of A–T–O, Inc.

No. MC 135364 (Sub-No. 18) (notice of filing of petition to add contracting shipper) filed April 16, 1976. Petitioner: MORWALL TRUCKING, INC., R.D. 3, Box 76–C, Moscow, Pa. 18444. Petitioner's representative: J. G. Dail, Jr., 1111 E. St., NW., Washington, D.C. 20004. Petitioner holds a motor *contract carrier* Permit in No. MC 135364 (Sub-No. 18), issued March 23, 1976, authorizing transportation over irregular routes, of (1) *pressure sensitive adhesive coated papers, aluminum paper insulation facings,* and *gummed reinforced sealing tape,* from Monmouth Junction and Netcong, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture of commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Monmouth Junction and Netcong, N.J., under a continuing contract, or contracts, with Compac Corporation of Monmouth Junction, N.J. By the instant petition, petitioner seeks to add Coated Products, Inc., of Middlesex, N.J., as an additional contracting shipper.

No. MC 136032 and (Sub-No. 2) (notice of filing of petition for modification of permits) filed April 16, 1976. Petitioner: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Petitioner's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Petitioner holds motor *contract carrier* Permits in Nos. MC 136032 and (Sub-No. 2), issued June 20, 1973 and July 29, 1975, respectively, authorizing transportation over irregular routes: (1) in MC 136032, of *hair care toiletries and equipment,* from Stamford, Conn., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska and Hawaii), under a continuing contract, or contracts with Clairol Incorporated located at Stamford, Conn.; and (2) in MC 136032 (Sub-No. 2), of *hair care toiletries and equipment,* from Stamford, Conn., to Memphis, Tenn., Atlanta, Ga., and Detroit, Mich., under a continuing contract, or contracts, with Clairol, Inc. By the instant petition, petitioner seeks to modify its authority in the lead permit by adding the plantsite of Lake Center Industries located at or near Rochester, Minn., as an additional origin point; and modify its authority in the (Sub-No. 2) permit by adding an additional territorial description which reads "from the plantsite of Lake Center Industries located at or near Rochester, Minn., to Atlanta, Ga., Baltimore, Md., and Stamford, Conn."

No. MC 139525 (notice of filing of petition to modify commodity description) filed March 15, 1976. Petitioner: E.D.C. TRANSPORT, INC., 7200 Fly Rd., P.O. Box 207, East Syracuse, N.Y. 13057. Petitioner's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. Petitioner holds a motor *common carrier* certificate in NO. MC 139525, issued September 26, 1974, authorizing transportation over irregular routes of *frozen prepared foods, and fish* including shellfish, when moving at the same time and in the same vehicle with frozen prepared foods, from Glouchester and Boston, Mass., to points in that part of New York lying on and west of a line beginning at the United States-Canada Boundary line at or near Rouses Point, N.Y., and extending along U.S. Highway 9 to junction U.S. Highway 6 at or near Peekskill, N.Y., and on and north of a line extending from junction U.S. Highways 9 and 6 along U.S. Highway 6 to junction New York Highway 17 at Goshen, N.Y., thence along New York Highway 17 to junction Interstate Highway 90 at Westfield, N.Y., and thence along a straight line to Lake Erie at Barcelona, N.Y., restricted to the transportation of frozen prepared foods only when moving in mixed loads in the same vehicle with fish including shellfish, the transportation of which is otherwise partially exempt from the regulation under Section 203(b)(6) of the Interstate Commerce Act. By the instant petition, petitioner seeks (1) to modify its commodity description so as to read *"frozen prepared foods and meats, meat products and meat by-products,* as described in Section A of Appendix I of the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *fish* including shellfish, when moving at the same time and in the same vehicle with frozen prepared foods, or meats, meat products and meat by-products"; and (2) to modify the restriction to read: "restricted to the transportation of frozen prepared foods, meats, meat products, and meat byproducts only when moving in mixed loads in the same vehicle with fish including shellfish, the transportation of which is otherwise partially exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act."

NOTICE

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 139207 (Sub-No. 2) (republication), filed November 10, 1975, and published in the FEDERAL REGISTER issue of December 11, 1975, and republished this issue. Applicant: McNABB-WADSWORTH TRUCKING COMPANY, 1410 Lynn Garden Drive, Kingsport, Tenn. 37665. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. An Order of the Commission, Review Board Number 1, dated April 12, 1976 and served April 26, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *feed and feed ingredients,* in bulk (except in tank vehicles), from points in Dade and Hillsborough Counties, Fla., to points in Tennessee, North Carolina, South Carolina, Virginia, and Alabama; that applicant is fit, willing, and able property 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 grant of authority to include service to the State of Alabama.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules

should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required herein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1184 (Sub-No. 22), filed March 29, 1976. Applicant: K & B MOUNTING, INC., 21533 Mound Road, Warren, Mich. 48091. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van conversions and van delivery vehicles*, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 3854 (Sub-No. 29), filed March 29, 1976. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building materials, and industrial asphalt*, from the plantsite of Trumbull Asphalt Company, located at Morehead City, N.C., and points in Carteret County, N.C., to points in Pennsylvania, South Carolina, Virginia and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in consolidation with a similar application filed by Bright Belt Motor Lines at either Raleigh, N.C. or Washington, D.C.

No. MC 11207 (Sub-No. 365), filed April 7, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, wood preservatives and pipe line coating*, from Woodward, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 21866 (Sub-No. 84) (correcrection), filed March 10, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, republished as corrected this issue. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene bags and wrappers and cellophane bags and wrappers, paper wrappers*, and *commodities* packaged in polyethylene or cellophane bags (except commodities in bulk), (a) from the facilities of Boyertown Packaging Service Corp., at Boyertown, Packaging Service Corp., at Boyertown, Pa., to points in Illinois, Indiana, Michigan, New York, Ohio, and Wisconsin; (b) from the facilities of Boyertown Packaging Service Corp., at Harrisburg, Pa., to points in Michigan and Wisconsin; and (2) *materials*, used or useful in the manufacture, processing, or distribution of polyethylene bags and wrappers and cellophane bags and wrappers, and paper wrappers (except commodities in bulk), from points in the above destination territory, to the named facilities of Boyertown Packaging Service Corp., restricted to the transportation of shipments originating at or destined to the named facilities.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 31438 (Sub-No. 14) filed March 30, 1976. Applicant: ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio 45750. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica* (except in bulk), from the plantsite of Interlake, Inc., in Waterford Township, Washington County, Ohio, to points in Indiana, Illinois, Maryland, Michigan, Missouri, New York, New Jersey, those in Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania state line and U.S. Highway 119 and extending along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 76 (formerly Interstate Highway 80S) thence along Interstate Highway 76 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 79, thence along Interstate Highway 79 to Erie, Pa., and points in that part of West Virginia on, west, and north of a line beginning at the Ohio-West Virginia state line and U.S. Highway 35 and extending along U.S. Highway 35 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to Buckhannon, thence along U.S. Highway 119 to the West Virginia-Pennsylvania state line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 43421 (Sub-No. 55), filed April 2, 1976. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse and facilities of Meldisco, at or near Huntington, Ind., as an off-route point in connection with applicant's regular route operations to and from Ft. Wayne, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 45736 (Sub-No. 52), filed March 26, 1976. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, and woodpulp*, from Calhoun, Tenn., to points in Ohio south and east of a line

starting at the Indiana-Ohio State Boundary Line to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, near Mansfield, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 13, thence southward along Ohio Highway 13 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, Ohio, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7, to Pomeroy, Ohio; and (2) *materials, equipment, and supplies* used in the manufacture of paper, paper products, and wood pulp, from points in the area of Ohio described in (1) above, to Calhoun, Tenn.

NOTE.—The purpose of this application is to obtain authority in this application complementary to the authority sought in MC 45736 (Sub-No. 47). If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Charlotte, N.C.

No. MC 46518 (Sub-No. 12), filed March 31, 1976. Applicant: R. F. C. TRANSPORT, INC., 7200 Fly Road P.O. Box 207, East Syracuse, N.Y. 13057. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from South Dayton (Cattaraugus County), N.Y., and points within fifty miles of Rochester, N.Y., to points in Maine, New Hampshire and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, Syracuse or Buffalo, N.Y.; or Washington, D.C.

No. MC 51146 (Sub-No. 462) filed March 29, 1976 Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Softener textile combined with cloth synthetic*, not woven or knitted, from the facilities of The Proctor & Gamble Company, located at Green Bay, Wis., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (except Chicago, Ill., and points in its Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 91) filed March 29, 1976. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard and materials* used in the installation thereof, from the facilities of Masonite Corporation, located at Bloomington, Minn., to points in Iowa, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 61396 (Sub-No. 305) filed April 2, 1976. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from the plantsite and storage facilities of Occidental Chemical Company located at or near Grant, Nebr., to points in Colorado, Iowa, Kansas, Missouri, North Dakota, Oklahoma, South Dakota, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Omaha, Nebr.

No. MC 69833 (Sub-No. 115), filed March 29, 1976. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials*, used in the installation and sale thereof, from the plantsite and warehouse facilities of Abitibi Corporation located in Lucas County, Ohio to points in Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia and that part of Pennsylvania on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit or Chicago, Ill.

No. MC 73165 (Sub-No. 383), filed March 29, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, valves, hydrants, hydrant sections and components, parts, attachments, and accessories*, for pipe, valves, hydrants and hydrant sections, from the plantsite facilities of Mueller Co., located at Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Birmingham, Ala.

No. MC 97699 (Sub-No. 45), filed March 31, 1976. Applicant: BARBER TRANSPORTATION CO., Deadwood Avenue, P.O. Drawer 1970, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Sioux Falls, S. Dak., and Omaha, Nebr.: From Sioux Falls over Interstate Highway 29 to Omaha, Nebr., and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106398 (Sub-No. 739), filed March 29, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials*, used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 107403 (Sub-No. 969), filed March 30, 1976. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Holden and Violet, La., to points in Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 108053 (Sub-No. 129), filed March 29, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 W. 23rd Street, P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from St. Charles, Ill., to points in Arizona, California, Oregon, Washington and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 108676 (Sub-No. 91), filed March 1, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and glass glazing units*, from Webster,

Mass.; to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia; and (2) *equipment, materials, and supplies,* used in the manufacture and distribution of the commodities described in (1) above, from points in Iowa, Kansas, Oklahoma, Texas and Wisconsin and points in the United States east thereof, to Webster, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass. or Louisville, Ky.

No. MC 110563 (Sub-No. 177), filed March 31, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington Avenue, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from the plantsite of The Great Atlantic & Pacific Tea Company, Inc., located at or near Plymouth, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to traffic originating at the plantsite of The Great Atlantic & Pacific Tea Company, Inc., located at or near Plymouth, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 111302 (Sub-No. 87), filed March 30, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Terephthallic acid,* in bulk, in tank vehicles, from Decatur, Ala., to Fiberton, N.C., and Darlington, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111545 (Sub-No. 220) filed April 2, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, Ga. 30067. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30065. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, cross arms, floor blocks, piling poles, posts, and ties,* from the plantsite and facilities of Southern Wood Piedmont Company, at Chattanooga, Tenn.; East Point, Ga.; and Spartanburg, S.C., to points in the United States in and east of Arkansas, Iowa, Louisiana, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicants requests it be held at Atlanta, Ga., or Charlotte, N.C.

No. MC 111729 (Sub-No. 630), filed March 22, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Video tapes, video heads and related repair parts and supplies,* between points in the United States (except Alaska, Hawaii, Delaware, New Jersey and Vermont), restricted against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 635), filed April 2, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds;* and (2) *emergency small automobile parts,* restricted against the transportation of packages or articles weighing more than 50 pounds per package or 100 pounds in the aggregate from one cosignor to one consignee on any one day, (a) between Lanham, Md. and Washington, D.C.; and (b) between Boston, Mass., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire and Rhode Island, restricted in the above to traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 636), filed April 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds,* (a) between Newport News, Va. and Charlotte, N.C.; (b) between Charlottesville, Va. and Charlotte, N.C.; and (v) between Martinsville, Va., on the one hand, and, on the other, Kings Mountain, Rockingham, and Roxboro, N.C.; and (2) *emergency small repair parts, plumbing, electrical and office supplies,* restricted against the the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor to one consignee on any one day, between Newport News, Va. and Charlotte, N.C.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 637), filed March 24, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Urine samples;* and (2) *business papers, records, audit and accounting media,* between points in Ohio, restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 111729 (Sub-No. 639), filed April 2, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W. Washington, D.C. 2006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Formal wear aind related articles,* between Parkersburg, W. Va., on the one hand, and, on the other, Cumberland, Frederick, and Hagerstown, Md.; and points in Ohio, Pennsylvania and Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 640), filed April 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K. St., N.W., Washington, D.C. 2006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum samples and related business papers,* between Richmond, Va., on the one hand, and, on the other, Madisonville, Campbellsville and Lexington, Ky.; Huntington and Clarksburg, W. Va.; Baltimore, Md.; and Seaford, Del.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112184 (Sub-No. 48), filed April 1, 1976. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a Corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transport-

ing: *Corn products and blends containing corn products,* in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company, at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii), limited to a transportation service to be performed under a continuing contract or contracts with A. E. Staley Manufacturing Company, at Lafayette, Ind.

NOTE.—Applicant holds common carrier authority in MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112595 (Sub-No. 63), filed March 23, 1976. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids and lubricating oils,* in bulk, in tank vehicles and shipper owned containers, from Columbus, Ohio, to Phoenix, Ariz., and the ports of entry on the International Boundary line between the United States and Canada, located at Buffalo, N.Y.; and (2) *ingredients and raw materials,* used in the manufacture of rolling processing fluids and lubricating oils, in bulk, in tank vehicles and shipper owned containers, from Coldwater, Mich., and Muncie, Ind., to Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 114019 (Sub-No. 263), filed March 31, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products,* in bulk, in tank vehicles, from the facilities of A. F. Staley Manufacturing Company located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 265), filed March 29, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood and incidental paraphernalia,* from Camden, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Portland, Oreg.

No. MC 114457 (Sub-No. 257), filed March 26, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic flower pots and trays,* from Lakeville, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn. or Chicago, Ill.

No. MC 114569 (Sub-No. 137), filed March 29, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hair and skin care products, toilet preparations, and equipment, materials, and supplies,* used in the distribution thereof (except chemicals and commodities in bulk), in vehicles equipped with mechanical temperature control devices, from West Memphis, Ark., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 115331 (Sub-No. 407), filed March 29, 1976. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Ground clay and clay products,* in bulk, from points in Scott County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin; and (2) *clay,* in bulk, from points in Pulaski County, Ill., to points in Alabama and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115495 (Sub-No. 29), filed March 29, 1976. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representative: J. Robert Peterson, 51 Weaver Street, Greenwich Office Park 5, Greenwich, Conn. 06830. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the plantsite of Marshall Field and Company, located in Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming; and (2) between the plantsite of Marshall Field and Company, located at Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, or the Virginia-North Carolina state lines, restricted against the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds contract carrier authority in MC 13426 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 115904 (Sub-No. 49), filed April 1, 1976. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcined fire clay,* in bulk, from Bovill, Idaho, to Sumas, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash. or Boise, Idaho.

No. MC 116763 (Sub-No. 336), (Correction) filed March 1, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned, prepared or preserved foodstuffs,* from points in Spartanburg County, S.C., to points in Alabama, Georgia, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cherokee Products Co., in Spartanburg County, S.C.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 116763 (Sub-No. 339), filed March 26, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors, from the Lower Peninsula of Michigan, to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 340), filed April 1, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Ritchers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, cable, strand and spiral*, from the plantsite and facilities of Wire Mil, Inc., at or near Sanderson, Fla., to points in the United States (except Alaska, Hawaii and Florida).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 117503 (Sub-No. 10), filed March 30, 1976. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C. Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags, jute, cotton, burlap or gunny, or bundles completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting; automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles, including jeeps, ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams, bucks, sheep, sheep camp outfits, sows, steers, stags, swine or wethers; liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; commodities when transported in bulk in dump-type trucks or trailer or in hopper-type trucks or trailers; commodities when transported in motor vehicles equipped for mechanical mixing in transit; portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle; logs; trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; radiopharmaceuticals, radioactive chemicals, live animals or diagnostic kits), (1) between Williams, Calif., and Sacramento, Calif., serving all intermediate points: From Williams over Interstate Highway 5 to Sacramento, and return over the same route, (2) between Marysville, Calif., and Modesto, Calif., serving all intermediate points: From Marysville, over California Highway 99 to Modesto, and return over the same route, (3) between Marysville, Calif., and Roseville, Calif., serving all intermediate points: From Marysville over California Highway 65 to Roseville, and return over the same route, (4) between Williams, Calif., and Marysville, Calif., serving all intermediate points: From Williams over California Highway 20 to Marysville, and return over the same route.

(5) between Sacramento, Calif., and Placerville, Calif., serving all intermediate points: From Sacramento over U.S. Highway 50 to Placerville, and return over the same route, (6) between San Francisco, Calif., and Auburn, Calif., serving all intermediate points: From San Francisco over Interstate Highway 80 to Auburn, and return over the same route, (7) between Pinole, Calif., and Stockton, Calif., serving all intermediate points: From Pinole over California Highway 4 to Stockton, and return over the same route, (8) between San Francisco, Calif. and Stockton, Calif., serving all intermediate points: From San Francisco over Interstate Highway 580 to junction Interstate Highway 205, thence over Interstate Highway 205 to junction Interstate Highway 5, thence over Interstate Highway 5 to Stockton, and return over the same route.

(9) serving the off-route point in (1) through (8) above of Sierra Ordnance Depot, located at Herlong, Calif., (10) serving the off-route points in (1) through (8) of points in Alameda, Amador, Butte, Contra Costa, Marin, Sacramento, Santa Clara, San Joaquin, San Mateo, Solano, Sutter, Yolo and Yuba Counties, Calif., restricted against local service involving a motor carrier movement with both an origin and destination solely between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara Counties, Calif. is authorized.

NOTE.—The purpose of this application is to convert applicant's present Certificate of Registration held in No. MC 117503 (Sub-No. 8) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necess..ry, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 118468 (Sub-No. 45), filed April 5, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials* (except iron and steel and iron and steel products, and except commodities in bulk), from points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Texas, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee and Wisconsin, under a continuing contract, or contracts, with Emmer Bros., Inc.

NOTE.—Applicant hold common carrier authority in No. MC 124813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119229 (Sub-No. 11), filed March 12, 1976. Applicant: ORLANDO TRUCKING, INC., P.O. Box 132, 10 Glory Rd., R.D. 3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper and plastic products*, from East Brunswick, N.J., to New York, N.Y., and points in Nassau, Orange, Rockland, Suffolk and Westchester Counties, N.Y., points in Fairfield, Hartford and New Haven Counties, Conn., and points in New Jersey and Philadelphia, Pa., under a continuing contract or contracts with Hudson Pulp & Paper Co.; (2) *hospital supplies and equipment*, from East Brunswick, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, under a continuing contract or contracts with Beta Health Care Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119399 (Sub-No. 57), filed March 22, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (a) from Evansville, Ind., to Fayetteville, Ark.; (b) from Ft. Worth, Tex., to Blytheville and Paragould, Ark.; (c) from Longview, Tex., to Bartlesville, Miami, and Tulsa, Okla.; (d) from Memphis, Tenn., to points in Arkansas (except Fayetteville); (e) from Milwaukee, Wis., to Hannibal, Nevada, St. Joseph, and West Plains, Mo.; (f) from Omaha, Nebr., to Joplin, Nevada and West Plains, Mo., and points in Arkansas; and (g) from St. Paul, Minn. to Chillicothe and St. Joseph, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 119777 (Sub-No. 329), filed March 29, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and warehouse facilities of Vanply, Inc., located at or near Many, La., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., Atlanta, Ga., or Washington, D.C.

No. MC 120737 (Sub-No. 36), filed March 30, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., South Fourth Avenue, P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Transporting: (1) *Agricultural machinery implements and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Canton, Ill., to points in Arkansas, Louisiana and Texas, restricted to traffic originating at the plantsites and warehouses of International Harvester Company, located at Canton, Ill.; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of agricultural machinery, implements and parts as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292–294, from points in Arkansas, Louisiana and Texas to Canton, Ill., restricted to traffic originating at the above named states and destined to the plantsites and warehouses of International Harvester Company, located at Canton, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123405 (Sub-No. 45), filed March 29, 1976. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in containers, oil filters and vehicle body sealer and sound deadener compound*, from Congo and St. Marys, W. Va., to points in Arkansas, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harirsburg, Pa. or Washington, D.C.

No. MC 124170 (Sub-No. 55), filed April 5, 1976. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting or icing mixes*, from Chelsea, Mich., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 124328 (Sub-No. 97), filed March 30, 1976. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, business records, securities, audit media, cash letters, data processing records, reports, forms or media on paper, cards, tape or film*, as are used in the business of banks, banking and other financial institutions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ashland, Ashtabula, Athens, Belmont, Carroll, Champaign, Clark, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fairfield, Fayette, Franklin, Geauga, Gallia, Guernsey, Hancock, Hardin, Harrison, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucaus, Madison, Mahoning, Marion, Medina, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Pickaway, Perry, Pike, Portage, Richland, Ross, Sandusky, Sciota, Seneca, Stark, Summit, Trumbull, Tuscarawas, Union, Vinton, Washington, Wayne, Wyandot, and Wood Counties, Ohio, those points in Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hancock, Hampshire, Harrison, Hardy, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, Mineral, Monongalia, Monroe, Morgan, Necholas, Ohio, Pendleton, Pleasants, Pochahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster and Wetzel Counties, W. Va., and those points in Allegany, Anne Arundel, Baltimore, Carroll, Charles, Frederick, Garrett, Harford, Howard, Montgomery, Prince Georges and Washington Counties, Md., under a continuing contract or contracts with Federal Reserve Bank of Cleveland, Pittsburgh National Bank and Mellon Bank, N. A.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 125433 (Sub-No. 75), filed April 5, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-finished vinyl and covered paneling, particleboard, hardboard* or *composition board and molding*, from the plantsite of Sioux Veneer Panel Co., located at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plantsite of Sioux Veneer Panel Co., located at or near Boise, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Boise, Idaho.

No. MC 125470 (Sub No. 14), filed March 31, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products, and materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products, (a) from the plantsite and facilities of Hardy Salt Company, located at or near Lake Point, Utah, to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (b) from the plantsite and facilities of Hardy Salt Company, located at or near Williston, N. Dak., to points in Colorado, Idaho, Iowa, Montana, Nebraska, Wyoming, and Utah; and (2) *chemicals*, between the plantsites and facilities of Hardy Salt Company, located at or near Lake Point, Utah, and at or near Williston, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 125470 (Sub-No. 15), filed March 31, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies*, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, from the plantsite and facilities of Great Salt Lake Minerals & Chemicals Corporation located at or near Little Mountain, Utah, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 125470 (Sub-No. 16), filed March 31, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St.,

P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products, and materials and supplies*, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, (1) from the plantsite and facilities of Morton Salt Company, a Division of Morton-Norwich Products, Inc., at or near Saltair, Utah, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming; and (2) from the plantsite and warehouse facilities of American Salt Co., at or near Solar and Salt Lake City, Utah, to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 126094 (Sub-No. 6), filed April 1, 1976. Applicant: ARTHUR TROTZKE, P.O. Box 128, Farmersburg, Ind. 47850. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber rough sawed, and pallets*, from points in Vigo and Sullivan Counties, Ind., to points in Illinois, Kentucky, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 126930 (Sub-No. 12), filed March 25, 1976. Applicant: BRAZOS TRANSPORT, INC., 339 East 34th Street, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished paper*, from Pryor, Okla., to Westwego, La., and Shoals, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lubbock or Dallas, Tex.

No. MC 128021 (Sub-No. 23), filed March 29, 1976. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Wax impregnated sawdust logs;* (2) *charcoal;* and (3) *wood chips, lighter fluid*, and items used in outdoor cooking in mixed loads with the commodities in (1) and (2) above, from points in Tucker County, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (B) *materials and supplies* used in the manufacture of the commodities named in (A) (1), (2) and (3) above (except commodities in bulk, in tank vehicles), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Tucker County, W. Va., under a continuing contract, or contracts, with The Kingsford Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Atlanta, Ga.

No. MC 129032 (Sub-No. 19), filed March 22, 1976. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, Okla. 74107. Applicant's representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in California, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129387 (Sub-No. 21), filed April 5, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods and pet foods*, from Port Newark, N.J., and Baltimore and Cambridge, Md., to points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 129387 (Sub-No. 22), filed April 5, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods and pet foods*, from Oakland, Calif., and Salem and Astoria, Oreg., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 133149 (Sub-No. 3), filed March 31, 1976. Applicant: CLAIR ROBINSON, 1061 W. Walnut, Brownstown, Ind. 47220. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic gaskets*, from Salem, Ind., to Greenville, Mich.; and (2) *plastic granules, strip, plastic and iron powder in cartons*, from Marietta, Ohio, to Salem, Ind., restricted to traffic originating at or destined to the plantsite of B. F. Goodrich Company located in Salem, Ind., under a continuing contract or contracts with B. F. Goodrich Company, Akron, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Louisville, Ky.

No. MC 133708 (Sub-No. 23), filed March 29, 1976. Applicant: FISKE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, (a) from Cushenbury, Calif., and Phoenix, Ariz., to points in New Mexico; and (b) between points in New Mexico, restricted to shipments having an immediately prior or subsequent movement by rail; and (2) *sand*, in bulk, from the facilities of Simplot Silica Products, located at or near Overton, Nev., to points in Fresno County, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 135684 (Sub-No. 19) (partial correction), filed February 3, 1976, published in the FEDERAL REGISTER issues of March 18, 1976, and April 15, 1976, republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *burlap and cotton bags, and finished burlap cloth*, from Flemington, N.J., to New York, N.Y.; (15) *sewing machine heads and stands*, between East Pepperell and Ayer, Mass., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and Virginia; (21) *paper bags*, from Newtown, Conn., to points in Ohio, Pennsylvania, and Virginia; (22) *Kraft wrapping paper and wood pulpboard*, from West Point, Va., to Newtown, Conn.; (31) *paper and paper articles*, from Newtown, Conn., to points in Delaware, Maine, Massachusetts, Maryland, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont; (32) *materials, supplies, and equipment*

(other than bulk), used in the manufacture and distribution of plastic articles and paper articles, and *returned shipments* of plastic articles and paper and paper articles, from the destination points named in (31) above, to Newtown, Conn.

NOTE.—The purpose of this partial republication is to correct the requested authority in the parts indicated above. The rest of the application remains the same.

No. MC 135725 (Sub-No. 17), filed April 2, 1976. Applicant: FRY TRUCKING, INC., 507 W. 5th Street, Wilton, Iowa, 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Minerals, ground ores, and pigments*, from Rosiclaire, Ill., and St. Louis, Mo., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment and supplies* used in the manufacture, processing, sale, and distribution of minerals, ground ores, and pigments, from points in the United States (except Alaska and Hawaii) to Rosiclaire, Ill., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 136464 (Sub-No. 20), filed March 24, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irrgeular routes, transporting: *Floor coverings and materials, and supplies* used in the installation, manufacture, packaging, and sale of floor coverings, when moving in mixed loads with floor coverings, (a) between the facilities of Bigelow-Sanford, Inc., located at or near Landrum, Greenville, Belton, and Calhoun Falls, S.C.; Lyerly, Ga.; Sparks, Nebr.; Los Angeles, Calif.; and Dallas, Tex.; and (b) between the facilities of Bigelow-Sanford, Inc., located at or near Landrum, Greenville, Belton, and Calhoun Falls, S.C., and Lyerly, Ga., on the one hand, and, on the other, points in Arizona, New Mexico, California, Nevada, Oregon, Washington, and Utah, under a continuing contract, or contracts, with Bigelow-Sanford, Inc.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greenville, S.C., or Charlotte, N.C.

No. MC 136899 (Sub-No. 17), filed March 5, 1976. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *plastic products*, and related *accessories;* (b) *household products* when moving in mixed loads with the commodities described in part (a) or (b); and (c) *curtain and drapery rods* between Baraboo, Wis., on the one hand, and on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) from points in the United States (except Alaska and Hawaii) to Baraboo, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 139163 (Sub-No. 5), filed March 29, 1976. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J., Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines and parts, materials and supplies* for such machines, between Chicago, Ill., and its Commercial Zone, Elk Grove and Oakbrook, Ill., on the one hand, and, on the other, points in Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Utah, Wyoming, and Wisconsin, under a continuing contract or contracts with Xerox Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139205 (Sub-No. 1), filed February 27, 1976. Applicant: DOLPHIN CARTAGE, INC., 14500 Cottage Grove Ave., Dolton, Ill. 60419. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, and materials, equipment, and supplies* used in the manufacture of paper and paper articles (except in bulk), (a) between points in Chicago, Ill., on the one hand, and, on the other, points in Lake, Porter, and LaPorte Counties, Ind. and Ft. Wayne, Ind., under a continuing contract, or contracts, with the Packaging Corporation of America; and (b) between South Holland, Ill., on the one hand, and, on the other, points in Lake, Porter, and LaPorte Counties, Ind., under a continuing contract, or contracts, with Bell Fibre Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139234 (Sub-No. 3), filed March 31, 1976. Applicant: BRUCE'S TRANSPORT SERVICE, INC., 2176 North Ventura Avenue, Ventura, Calif. 93001. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield and offshore equipment and materials and supplies*, used in the drilling, exploration, and production of oil, between Ventura and Los Angeles, Calif., on the one hand, and, on the other, Beaumont, Tex., and points in Harris County, Tex., under a continuing contract or contracts with Vetco Offshore, Inc., at Ventura, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Ventura, Los Angeles, or San Francisco, Calif.

No. MC 139495 (Sub-No. 135) (amendment), filed March 29, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as amended this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquarium and aquarium supplies*, from the facilities of O'Dell Manufacturing, Inc., located at or near Saginaw, Mich., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment, and supplies* (except in bulk, in tank vehicles) used in the manufacture of aquariums from points in the United States (except Alaska and Hawaii) to the facilities of O'Dell Manufacturing, Inc., located at or near Saginaw, Mich.

NOTE.—The purpose of this republication is to amend the requested authority by including part (2) above. Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139968 (Sub-No. 1), filed March 31, 1976. Applicant: NATONIAL CONSTRUCTION CORP. OF FLORIDA, 12050 NW. South River Drive, Miami, Fla. 33012. Applicant's representative: Bernard C. Pestcoe, 19 West Flagler St., Suite 511, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement, clinker, gypsum, and bunker C fuel*, between points in Dade and Broward Counties, Fla., under contract with Maule Industries, Inc., restricted to transportation having a prior or subsequent movement in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 140108 (Sub-No. 3), filed April 5, 1976. Applicant: TWOMBLY GRAIN COMPANY, INC., 408 South Main, Troy, Kans. 66087. Applicant's representative: Clyde N. Christey, Suite 514, Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from the storage facilities of ConAgra-Formax Feed Division located at or near Troy, Kans., to points in Andrew, Atchison, Buchanan, Caldwell, Clay, Clinton, Daviess, DeKalb,

Gentry, Harrison, Holt, Jackson, Johnson, Lafayette, Nodaway, Platte, Ray, and Worth Counties, Mo., under a continuing contract, or contracts with Con-Agra-Formax Feeds Division of Troy, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140361 (Sub-No. 5), filed March 25, 1976. Applicant: COLUMBUS PARCEL SERVICE, INC., 1009 Joyce Avenue, Columbus, Ohio 43219. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, (1) between points in Ohio; (2) between points in Ohio, on the one hand, and, on the other, points in Dearborn, Franklin, Randolph, Union, and Wayne Counties, Ind.; points in Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; and points in Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wetzel, and Wood Counties, W. Va.; and (3) between points in Dearborn, Franklin, Randolph, Union, and Wayne Counties, Ind.; points in Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; and points in Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wetzel, and Wood Counties, W. Va., restricted to shipments moving on Bills of Lading issued by American Delivery Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 140639 (Sub-No. 1), filed March 25, 1976. Applicant: NORCON TRANSPORTATION COMPANY, INC., 27 Arthur Avenue, Patchogue, N.Y. 11772. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from New York, N.Y., to points in Nassau and Suffolk Counties, N.Y.; (2) from points in Suffolk County, N.Y., to New York, N.Y., and points in Nassau County, N.Y.; and (3) from points in Nassau County, N.Y., to points in Suffolk County, N.Y.

NOTE.—Applicant intends to tack the requested authority in (1) and (2) above with its existing authority at New York, N.Y., to provide a through service between New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.Y. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140684 (Sub-No. 1), filed March 24, 1976. Applicant: Jack L. STORMS, R.R. #1, Argyle, Iowa 52619. Applicant's representative: Jack L. Storms (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock and sand*, between points in Lee and Van Buren Counties, Iowa, Clark County, Mo., and Hancock and Henderson Counties, Ill., under a continuing contract, or contracts, with Dallas City Ready Mixed Concrete Corp., located at Dallas City, Ill., and John W. Sammons Const. Co., located at Keokuk, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Ill., or Des Moines, Iowa.

No. MC 140881 (Sub-No. 1), filed March 11, 1976. Applicant: JACK YOUNG AND IDA L. YOUNG, a Partnership, doing business as J & L TRUCK LINES, P.O. Box 1238, Silsbee, Tex. 77656. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark woodwaste, veneer and sawdust* (except in bulk in tank vehicles), between points in Calcasieu Parish, La., on the one hand, and, on the other, points in Chambers, Hardin, Harris, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, and Tyler Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston, Tex., or Lafayette, La.

No. MC 140967 (Sub-No. 1), filed March 31, 1976. Applicant: ARLEN LINDQUIST, doing business as ARLEN E. LINDQUIST TRUCKING, 3851 85th Avenue, New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, sold, distributed, or used by Automotive, truck, agricultural or industrial supply houses, repair centers or service stations (except commodities in bulk), between points in Alabama, Illinois, Indiana, Iowa, Kansas, points in the Upper Peninsula of Michigan, and points in Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennesee, and Wisconsin on the one hand, and, on the other, points in Iowa, points in the Upper Peninsula of Michigan, and points in Minnesota, North Dakota, South Dakota, and Wisconsin, under contract with the Pfleider Corp., and Fleetwood Tire Midwest.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 141346 (Sub-No. 1), filed April 2, 1976. Applicant: DONOVAN CREIGHTON AND KERON L. CAIN, doing business as K. L. CAIN TRUCKING CONTRACTOR, R.R. No. 2, Potomac, Ill. 61865. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic motor cycle windshields, fairings, and accessories*, from Rantoul, Ill., to Milwaukee, Wis.; and (2) *scrap plastic*, from Rantoul, Ill., to Warsaw, Ind., under a continuing contract, or contracts, with Vetter Fairing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 141406 (Sub-No. 2), filed April 1, 1976. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Boulevard, Los Angeles, Calif. 90039. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined, commodities which by reason of size or weight require the use of special equipment, and commodities in bulk), between Naval Air Station, at Alemeda, Calif.; Naval Air Station, at North Island (San Diego), Calif.; Naval Air Station, at Point Mugu, Calif.; McClellan Air Force Base, at Sacramento, Calif.; Norton Air Force Base, at San Bernardino, Calif.; and Travis Air Force Base, at Fairfield, Calif.; on the one hand, and, on the other, points in California, restricted to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141408 (Sub-No. 1), filed March 30, 1976. Applicant: KEPPEL CORPORATION, 1325 Horner Road, Woodbridge, Va. 22191. Applicant's representative:: John D. Clark, Suite 404, 1400 N. Uhle Street, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antenna panels, electronic equipment*, used in tuning antennas, and *related equipment*, from McLean, Va., to the plantsite of National Science Foundation, near Magdalena, N. Mex., under contract with Radiation Systems, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141483 (Sub-No. 2), filed March 30, 1976. Applicant: VALCON PACKAGE DELIVERY, INC., 3822 West Street, Landover, Md. 20785. Applicant's representative: Martin Moncarz, 16 Crain Highway NW., Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of cosmetics, from Landover, Md., to points in Loudoun, Fauquier, Fairfax, Prince William, Rappahannock, Stafford, Culpepper, Spotsylvania, King George, and Westmoreland Counties, Va., under a continuing contract or contracts with Avon Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 141533 (Sub-No. 4), filed March 25, 1976. Applicant: LYN TRANSPORT, INC., 61 Lincoln Highway, South Kearny, N.J. 07032. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in temperature controlled equipment, between points in New York (except those east and south of a line along New York Highway 8 from the New York-Pennsylvania State Boundary line to junction New York Highway 7, thence along New York Highway 7 to Oneonta, N.Y., and junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State Boundary line), on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141677 (Sub-No. 2), filed March 23, 1976. Applicant: HES TRANSFER SERVICE, INC., 2 Garfield Avenue, Jersey City, N.J. 07305. Applicant's representative: Joseph R. Siegelbaum, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Atrazine*, in containers or in trailers having a prior movement by water (except in bulk), from points in that part of the New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), to St. Joseph, Mo.; and (2) *cyanuric chloride*, in containers or in trailers having a subsequent movement by water (except in bulk), from Memphis, Tenn., to points in that part of the New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), under a continuing contract or contracts in (1) and (2) above with Solchem, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141759 (Sub-No. 2), filed April 1, 1976. Applicant: OHIO PACIFIC EXPRESS, INC., 817 West Fifth Ave., Columbus, Ohio 43212. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber nipples, drugs, canned goods, milk foods, and milk food substitutes*, other than malted, and *syrup*, not medicated, from Columbus, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, under contract with Ross Laboratories, Division of Abbott Laboratories, at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141759 (Sub-No. 3) filed April 1, 1976. Applicant: OHIO PACIFIC EXPRESS, INC., 817 West Fifth Ave., Columbus, Ohio 43212. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Crawfordsville and Warsaw, Ind.; Glasgow, Ky.; Dwight, Mattoon, and Chicago, Ill.; Willard, Ohio; and Gallatin, Tenn., to points in Arizona, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, under contract with R.R. Donnelley & Sons Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 141760 (Sub-No. 1), filed March 23, 1976. Applicant: SHUTTLE-JACK, INCORPORATED, P.O. Box 228, Tesuque, N. Mex. 87574. Applicant's representative: Daniel F. Rogers, 1820 Paseo de La Conquistadora, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Packages, parcels, baggage, and mail* having had prior, or subsequent transportation by air, weighing seventy pounds or less, and measuring 100 inches in length or girth combined (except commodities of unusual value, Classes A and B explosives, and those requiring special equipment or handling) (1) Between Albuquerque International Airport and Tesuque, N. Mex., over U.S. Highway 85 (also I–25); and (2) between Tesuque, Santa Fe, Albuquerque, N. Mex., and U.S. Highway 285 (a highway distance of less than 100 miles).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Santa Fe or Albuquerque, N. Mex.

No. MC 141767 (Sub-No. 2) filed March 24, 1976. Applicant: HARRIS EXPRESS COMPANY, INC., 41 Cedar Street, P.O. Box 15, East Hartford, Conn. 06108. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, viz., chairs, sofas, hide-aways, dining room sets, bedroom sets or parts thereof, household appliances, air conditioners, clothes dryers, freezers, ranges or stoves, refrigerators, stereo sets, television sets, dish washers, parts and equipment thereof, between Hartford and South Windsor, Conn., on the one hand, and, on the other, points in Berkshire, Franklin, Hampden, Hampshire, and Worcester Counties, Mass., under a continuing contract or contracts with G. Fox & Co., Division of May Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., or Boston, Mass.

No. MC 141791 (Sub-No. 1), filed March 29, 1976. Applicant: ARTHUR G. MONTGOMERY, doing business as MONTGOMERY TRUCKING, Route 93, Wellston, Ohio 45629. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* dealt in by manufacturers and builders of coal and coke processing facilities (except commodities in bulk), from Wellston, Ohio to points in Alabama, Illinois, Indiana, Kansas, Kentucky, Michigan, New York, Pennsylvania, Tennessee, Virginia, and West Virginia; and (2) *equipment, materials, and supplies* used in the production, manufacture and sale of commodities described above (except commodities in bulk), from the above destinations to Wellston, Ohio, under a continuing contract or contracts with the McNally Pittsburg Manufacturing Corporation located in Wellston, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Charleston, W. Va.

No. MC 141830, filed February 25, 1976. Applicant: AUTO BOZARTH, SR., 109 Northwest 3rd, Laverne, Okla. 73848. Applicant's representative: Alan R. Gottsch, 103 West Jane Jayroe, Box 267, Laverne, Okla. 73848. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, general farm supplies*, and *farm building components* including grain bins, tractors, dry fertilizer, silica sand, livestock, cake and dry livestock feed, salt and unprocessed agriculture commodities in open topped trucks having three axles or less, between points in Beaver, Ellis, Harper, and Woodward Counties, Okla., and points in southwestern Kansas from the Colorado-Kansas Boundary line over Interstate Highway 70 to and including Salina, Kans., thence south over Interstate Highway 35W to the Oklahoma-Kansas Boundary line, and points in southwestern Colorado bounded on the north by U.S. Highway 24 from the Colorado-Kansas Boundary line to and including Colorado Springs, Colo., thence over Interstate Highway 25 to the Colorado-New Mexico Boundary line, and points in the Texas panhandle north of and including U.S. Highway 70 from the Texas-New Mexico Boundary line to Crowell, Tex., thence north over Texas Highway 283 to and including Quanah, Tex., thence over Texas Highway 283 to the Texas-Oklahoma Boundary line, and points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla., or Amarillo, Tex.

No. MC 141899 (Sub-No. 2), filed March 31, 1976. Applicant: BILL & GENE'S TRUCKING, INC., P.O. Box 303, Madison, S. Dak. 57042. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used, and scrapped electrical equipment, components, and materials*, between the facilities of Highland Electric Supply, Inc., located at or near Madison, S. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Highland Electric Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Lincoln, Nebr.

No. MC 141919, filed March 18, 1976. Applicant: DIXIE TRANSPORT COMPANY, P.O. Box 668, Toccoa, Ga. 30577. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Construction equipment and related articles*, which because of size or weight require the use of special handling or equipment, (b) *self propelled articles*, each weighing 15,000 pounds or more; and (c) *related parts, materials, and supplies*, from the facilities of Wabco Construction and Mining Equipment Group (a Corporation) located at or near Toccoa (Stephens County), Ga., to Savannah, Ga., New Orleans, La., Norfolk, Newport News, Portsmouth and Hampton, Va., Charleston, S.C., Linden, and New Jersey ports at Newark, Hoboken, Jersey City, Bayonne, Elizabeth, and Perth Amboy, N.J., and Fort Lauderdale and Miami, Fla.; (2) *commodities* as described in 1., (a), (b) and (c) above, between the facilities of Wabco Construction and Mining Group (a Corporation) located at Toccoa, Ga., Linden, N.J., Peoria, Ill., and Indianapolis, Ind., restricted to shipments originating and destined to the facilities of Wabco Construction and Mining Equipment Group (a Corporation) at these points; and (3) *parts and materials* used in the manufacturing of commodities described in 1. (a), (b), and (c) above, from Louisville and Somerset, Ky., Akron and Ashtabula, Ohio, Indianapolis, Paoli, and South Bend, Ind., Detroit, Jackson, and Buchanan, Mich., Chicago and Mount Vernon, Ill., St. Louis, Mo., and Morristown, Tenn., to the facilities of Wabco Construction and Mining Equipment Group (a Corporation) located at or near Toccoa (Stephens County), Ga., under a continuing contract or contracts in (1), (2), and (3) above with Wabco Construction and Mining Group. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Greenville, S.C.

No. MC 141920, filed March 24, 1976. Applicant: KELLER TRUCKING, INC., 470 Old Skokie Road, Park City, Ill. 60085. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chain saws, outboard motors, snowmobiles, boats, inboard-outboard engines, lawnmowers, all terrain vehicles, and parts and accessories thereof, air buoy parts, boat trailer parts, oils and lubricants in containers, paints and sealers in containers, machinery, tools, dies, molds, manufacturing equipment, office equipment, and boxes*, (1) between the plantsite and warehouse facilities of Outboard Marine Corporation at Waukegan, Galesburg, and South Beloit, Ill., and South Beloit, Ill. Commercial Zone, including Beloit, Wis., and (2) between Chicago, Peoria, and South Beloit, Ill., and the South Beloit, Illinois Commercial Zone, including Beloit, Wis., under a continuing contract, or contracts, with Outboard Marine Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141924 (Sub-No. 1), filed March 31, 1976. Applicant: GOLDEN VALLEY TRANSPORTATION, INC., P.O. Box 208, Roberts, Idaho 83444. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except tallow, in bulk, destined to California), from the plantsite of Golden Packers, Inc. at or near Roberts, Idaho, to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington, under a continuing contract or contracts with Golden Valley Packers, Inc., and Interstate Commodities, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Idaho Falls, Idaho, or Salt Lake City, Utah.

No. MC 141946, filed April 2, 1976. Applicant: ACTION CENTER MOVING & STORAGE, INC., 617 West Central Boulevard, Orlando, Fla. 32801. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Citrus, Hernando, Lake, Orange, Seminole and Sumter Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Orlando, Fla.

No. MC 141947, filed March 29, 1976. Applicant: GEORGE HALL TRUCKING CO., 8240 Berry Ave., Sacramento, Calif. 95828. Applicant's representative: George Hall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty beverage bottles, boxes, cans, crates, beverage in metal cans, and beverage in glass bottles*, from Oakland, San Leandro, and San Jose, Calif., to Reno, Nev., under a continuing contract, or contracts, with Anchor Hocking Corp., Owens Illinois Corp., and Brockway Glass Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 141948, filed April 2, 1976. Applicant: EDWARD STUCKI, doing business as AL'S CARTAGE, 211 9th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Minneapolis and St. Paul, Minn., to points in Anoka, Dakota, Hennepin, Ramsey, and Washington Counties, Minn., restricted to a service performed under a continuing contract or contracts with Twin City Shippers Association, Inc., and further restricted to freight moving on bills of lading of freight forwarders.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 141949, March 29, 1976. Applicant: K.M.O., INC., 3726 Birney St., Scranton, Pa. 18507. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Coatesville, Pa., to Columbia and Charleston, S.C., Tampa and Jacksonville, Fla., Camp LeJeune, N.C., Nashville, Tenn., and Birmingham, Ala., under a continuing contract, or contracts, with L. D. Kallman, Inc., doing business as Dairy Sales.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141960, filed March 22, 1976. Applicant: CONSOLIDATED DELIVERIES, INC., 1409 E. 5th Court, Tulsa, Okla. 74120. Applicant's representative: Leonard Rose, 1011 Commerce Bank Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Osage and Tulsa Counties, Okla., on the one hand, and, on the other, points in Jasper and Newton Counties, Mo., under a continuing contract or contracts with The Dunlap Co., doing business as Vandever's.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Kansas City, Mo.

No. MC 141963, filed April 5, 1976. Applicant: AIR CARGO TRANSIT, INC., 2875 Sky Harbor Blvd., Suite 201, Phoenix, Ariz. 85034. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and commodities requiring special equipment), between points in Arizona, restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141965, filed March 18, 1976. Applicant: C & D FUEL CO., INC., 2215 N. 76th Avenue, Elmwood Park, Ill. 60635. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* in bulk, in tank vehicles, and *oil* in bulk, in tank vehicles, between points in Burns Harbor, Whiting, Gary, and East Chicago, Ind., and those points in Cook, DuPage, Will, Kankakee, Kane, and Lake Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141966, filed March 29, 1976. Applicant: GINA MARIE EXPRESS CO., 1830 W. 38th Avenue, Denver, Colo. 80211. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by manufacturers and distributors of cheese, cheese products, pizza topping, and other products to the food service industry, between the plantsite and other facilities of or used by Leprino Cheese Co., located at or near Denver, Colo.; Chappell, Superior and Hastings, Nebr.; Tracy Newman, Lemoore, Los Angeles, San Jose, Montebello, and Santa Fe Springs, Calif.; Phoenix, Ariz.; Cuba, N.Y.; Kansas City and Independence, Mo.; Atlanta, Ga. and Wichita, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Leprino Cheese Co., of Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

PASSENGER APPLICATION

No. MC 141460 (Sub-No. 1), filed March 29, 1976. Applicant: THE GRAY LINE TOURS COMPANY, INC., 1207 West Third Street, Los Angeles, Calif. 90017. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in (1) special operations, round-trip sightseeing and pleasure tours, between points in Los Angeles and Orange Counties, Calif., and extending to the port of entry along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5, located in California; and (2) round-trip charter operations between Los Angeles and Orange Counties, Calif., and extending to the port of entry along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5, located in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141858, filed March 18, 1976. Applicant: ZOBRIST BUS LINES, INC., Rural Route No. 2, Highland, Ill. 62249. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in conventional school bus equipment, in special and charter operations, from points in Bond and Clinton Counties, Ill. and points in Madison County, Ill. on and east of Illinois Highway 159, to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141967, filed March 29, 1976. Applicant: KEITH KRUG, Billings Avenue, Medford, Wis. 54451. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in Taylor and Price Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wausau, Wis., or Minneapolis, Minn.

BROKER APPLICATIONS

No. MC 130370, filed March 17, 1976. Applicant: LILLIAN HOFMEISTER, doing business as HOFMEISTER TOURS, 9122 Lenning Lane, Baltimore, Md. 21237. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Baltimore, Md., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Maryland and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 130372, filed March 24, 1976. Applicant: MARILYN KAY KREMERS, doing business as KREMERS TOURS, 5538 School St., Hudsonville, Mich. 49426. Applicant's representative: Marilyn Kremers (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Hudsonville, Mich., to sell or offer to sell the transportation of *passengers and their baggage* in special and charter operations, by motor carrier, beginning and ending at points in Ottawa County, Mich. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Rapids or Lansing, Mich.

WATER CARRIER APPLICATIONS

No. W-1304, filed March 26, 1976. Applicant: SOUTHERN TERMINAL & TRANSPORT COMPANY, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Petroleum products* in containers, between Mobile, Ala. and St. Marks, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pensacola, Fla. or Mobile, Ala.

No. W-1305, filed April 16, 1976. Applicant: COLUMBIA COMMON CARRIERS, INC., 6208 N. Ensign Street, P.O. Box 17178, Portland, Oreg. 97217. Applicant's representative: John Cunningham, 1776 F Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities* by self-propelled and nonself-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of *general towage*, between ports and points along the Columbia River below Priest Rapids, Wash., the Willamette River below Portland, Oreg., the Saake River below Johnsons Bar, Idaho, and the Clearwater River below Hog Island, Idaho, including the ports and points named (except as Puget Sound Tug & Barge Company is authorized to perform water carrier service on ports and points along the Willamette River and ports and points along the Columbia Rivre below the mouth of the Willamette River).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF-480, filed April 1, 1976. Applicant: MIDWEST CONTAINER SERVICES, INC., 11740 Clifton Boulevard, Cleveland, Ohio 44107. Applicant's representative: Douglas R. Denny, 1550

Union Commerce Building, Cleveland, Ohio 44115. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail and motor vehicle, in the transportation of *General commodities* moving in full intermodal containers and steamship line trailer loads, from points in Michigan and Ohio and those points in Kentucky within the Cincinnati, Ohio Commercial Zone, to ports of export in Maryland, New Jersey, New York, Pennsylvania, and Virginia, restricted to export traffic having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cleveland, Cincinnati, or Columbus, Ohio.

FINANCE APPLICATIONS

Notice

MARCH 12, 1976.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12818. Authority sought for purchase by BROWN TRANSPORT CORP., 125 Milton Avenue, S.E., Atlanta, GA. 30315, of the operating rights of HARTMAN TRUCKING COMPANY, INC., 3641 So. Geringer St., Cincinnati, OH., 45223, and for acquisition by CLAUDE P. BROWN, also of Atlanta, GA. 30315, address, of control of such rights through the purchase. Applicants' attorneys: Harry C. Ames, Jr., 666 Eleventh Street N.W., Washington, D.C. 20001, and B. K. McClain, 125 Milton Avenue, S.E., Atlanta, GA. 30315. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over irregular routes between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Newport, Ludlow, Bellevue, Dayton, Southgate, and Fort Thomas, Ky. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-56679 (Sub No. 86) is a directly related matter.

MOTOR CARRIER PASSENGER

No. MC-F-12819. Authority sought for purchase by TENNESSEE TRAILBLAZERS, INCORPORATED, DBA TENNESSEE TRAILBLAZERS, A corporation, 1000 4th Avenue, North, Nashville, TN. 37219, of the operating rights of BOWLING GREEN-HOPKINSVILLE BUS CO., INC., 181 East 4th Street, Russellville, KY. 42276, and for acquisition by DEVEREAUX T. DAVIS and CHRISTINE T. TREANOR, both of Nashville, TN., 37219 address, of control of such rights through the purchase. Applicants' attorneys: A. O. Buck, 618 Hamilton Bank Building, Nashville, TN. 37219, and William G. Fuqua, P.O. Box 351, Russellville, KY. 42276. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes between Hopkinsville, Ky. and Bowling Green, Ky.; serving all intermediate points; between Springfield, Tenn. and Owensboro, Ky., serving all intermediate points; between Russelville, Ky. and Clarksville, Tenn., serving all intermediate points, and the off-route point of Allensville, Ky. Vendee is authorized to operate as a *common carrier* in Tennessee and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12820. Authority sought for purchase by M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS. 67219, of a portion of the operating rights of H. L. HERRIN, JR. an individual, P.O. Box 1106, Metairie, LA., 70004, and for acquisition by J. DOUGLAS STONE AND UNION NATIONAL BANK OF WICHITA, Executors of the Estate of Maurice Dix Bruenger, Deceased, K.S.B. & T. Building, Wichita, K.S. 67202 and ARK VALLEY PRODUCE CO., INC., 123 S. Rock Island, Wichita, KS. 67202, of control of such rights through the purchase. Applicants' Attorney: Lester C. Arvan, 814 Century Plaza Building, Wichita, KS. 67202. Operating rights sought to be transferred: *Bananas* as a *common carrier* over irregular routes, from Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12821. Authority sought for Control by CENTRAL COURIER SYSTEMS, INC., 1101 Ripley Street, Silver Spring, MD. 20910, of (B) CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA. 02119, and for Continuance in Control of (BB) CENTRAL DELIVERY SERVICE OF WASHINGTON, INC., 1101 Ripley St., Silver Spring, MD. 20920, of control through the acquisition by SAMUEL G. KAPLAN, 1101 Ripley St., Silver Spring, MD. 20910. Applicants attorney: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Operating rights sought to be controlled: (B) Under MC-140846 (Sub-No. 2), (presently pending) Camera parts (except cases) as a *contract carrier*, over irregular routes between Norwood, Mass., on the one hand, and, on the other, Meridan, Cheshire, Bridgeport, Beacon Falls, Prospect, Wallingford, Wolcott, Milford, and Stamford, Conn.; between Providence, R.I., on the one hand, and, on the other, Boston, Lawrence, and Norwood, Mass.; and between Warwick, R.I., on the one hand, and, on the other, Boston, Lawrence, and Norwood, Mass., under a continuing contract or contracts with the Polaroid Corporation, of Cambridge, Mass., restricted against the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment, and restricted against transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day.

(BB) Under MC-140443, (presently pending), *checks and related bank papers*, as a *contract carrier*, over irregular routes, (1) from the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., to points in the District of Columbia, Arlington, Fairfax, Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., (2) from the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., to the Friendship International Airport, near Baltimore, Md., restricted to the transportation of shipments having a subsequent movement by air, (3) from Cumberland, Md., to points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., restricted to the transportation of shipments having a prior movement by air,

and (4) from points in Arlington, Fairfax, Loudoun, and Prince William Counties, Va., and from Alexandria, Fairfax, and Falls Church, Va., and the District of Columbia, to the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., under contract with the Federal Reserve Bank of Richmond, Baltimore Branch, Baltimore, Md.; and (BB) Under MC–138480, *general commodities*, with exceptions as a *common carrier* between Baltimore, Md., points in Baltimore, Howard, Montgomery, Anne Arundel, and Prince Georges Counties, Md., points in that part of Frederick County, Md., on and east of U.S. Highway 15, points in the District of Columbia, points in Arlington and Fairfax Counties, Va., points in those parts of Prince William and Loudoun Counties, Va., on and east of U.S. Highway 15, and Fairfax, Alexandria, and Falls Church, Va., with restrictions. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12822. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA. 23224, of the operating rights and property of O'NAN TRANSPORTATION COMPANY, INCORPORATED, P.O. Box 206, Carrollton, KY. 41008, and for acquisition by H. HARWOOD COCHRANE, of the Richmond, VA. 23209 address, of control of such rights through the purchase. Applicants' attorney: Eugene T. Liipfert, 1660 L Street NW., Washington, D.C. 20006, and Louis J. Amato, P.O. Box E, Bowling Green, KY. 42101. Operating rights and property sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes between Berry Field, Nashville, Tenn., on the one hand, and, on the other, points in Kentucky (except points in Adair, Barren, Clenton, Cumberland, Metcalfe, Monroe, Russell, Simpson, Warren, and Wayne Counties, Ky.), between points in Breckinridge, Bullitt, Butler, Caldwell, Calloway, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., with restrictions; *general commodities*, with exceptions between points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, between Cincinnati, Ohio, on the one hand, and, on the other, Burlington and Florence, Ky.; *general commodities* with exceptions as a *common carrier* over regular routes between Louisville, Ky. and Covington, Ky., serving all intermediate points and off-route points within 3 miles of the described route; between Carrollton, Ky. and Warsaw, Ky., serving all intermediate points and off-route points with 3 miles of the described route; except points on or within 3 miles of that part of the route over U.S. 127; between Lexington, Ky. and Sparta, Ky., serving all intermediate points and off-route points within 3 miles of the described route between Stamping Ground, Ky. and Sparta, Ky., except those between junction U.S. Highway 27 and Kentucky Highway 22, and Junction U.S. Highway 127 and Kentucky Highway 35; between junction U.S. Highways 227 and 127 (south of Bromley, Ky.), and New Liberty, Ky., serving all intermediate points and off-route points within 3 miles of the described route, with restrictions.

Livestock, from Fredonia, Ind., to Louisville, Ky., serving the intermediate and off-route points within 6 miles of Fredonia, restricted to pickup only, from Fredonia north over unnumbered highway to junction Indiana Highway 62, thence over Indiana Highway 62 to New Albany, Ind., and thence over U.S. Highway 150 to Louisville; and *general* commodities, with exceptions, from Louisville, Ky., to Fredonia, Ind., serving the intermediate point of Leavenworth, Ind., and the off-route points of Wyandotte Cave, Beechwood, Alton, and Cape Sandy, Ind.; between junction U.S. Highway 42 and Kentucky Highway 53 and Mount Eden, Ky., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Alabama, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Application has not been filed under section 210a(b).

NOTE.—MC 109533 Sub No. 75 is a directly related matter.

No. MC–F–12823. Authority sought for purchase by BHY TRUCKING, INC., 9231 Whitmore, El Monte, CA., 91373, of the operating rights of J. B. ACTON, INC., 1251 Taney, North Kansas City, MO., 64116, of control of such rights through the purchase. Applicants attorneys: Milton W. Flack, Suite 300, 4311 Wilshire Blvd., Los Angeles, CA., 90010, and John E. Jandera, 641 Harrison, Topeka, KS., 66603. Operating rights sought to be transferred: *Oil-field equipment, machinery*, and *materials*, as a *common carrier* over irregular routes between points and places in Kansas, Oklahoma, Texas, New Mexico, Arkansas, and Louisiana. Vendee is authorized to operate as a *common carrier* in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. Application has been filed for temporary authority under 210a(b).

No. MC–F–12824. Authority sought for control by HOLLAND INDUSTRIES, INC., a non-carrier, 900 West Central, Toledo, OH., 43612, of SHORT WAY LINES, INC., 217 Twenty-First Street, Toledo, OH., 43612, and for acquisition by JOHN CAPPOZZI, 900 W. Central, Toledo, OH., 43216, and RICHARD CRANDELL, also of Toledo, OH., 43216 address, of control of SHORT WAY LINES, INC., through the acquisition by HOLLAND INDUSTRIES, INC. Applicants' attorneys: Paul F. Beery, 8 East Broad, Columbus, OH 43215, and Thomas Zraik, 515 National Bank Bldg., 608 Madison Ave., Toledo, OH., 43604. Operating rights sought to be controlled: Passengers and their baggage, express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes between Toledo, Ohio, and Flint, Mich., serving all intermediate points, between Toledo, Ohio, and Lansing, Mich., serving all intermediate points, between Adrian, Mich., and Rome Center, Mich., serving all intermediate points, between Van Wert, Ohio, and Jackson, Mich., serving all intermediate points, between Toledo, Ohio, and Temperance, Mich., serving all intermediate points, between points in Michigan, serving all intermediate points, between Rome Center, Mich., and junction U.S. Highways 223 and 127, and return over the same route, between junction U.S. Highway 223 and Michigan Highway 52, and junction U.S. Highway 223 and U.S. Highway 223 Business Route (Adrian, Mich., Bypass), serving all intermediate points, between junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12), and junction U.S. Highway 127 and Michigan Highway 50 (Jackson, Mich., Bypass), serving all intermediate points, between Flint, Mich., and junction new U.S. Highway 23 (Interstate Highway 75) and Silver Lake Road, near Fenton, Mich., serving all intermediate points, between junction Michigan Highway 50 and new U.S. Highway 23 near Dundee, Mich., and junction new U.S. Highway 23 and U.S. Highway 223 at Sylvania, Ohio, serving all intermediate points.

Between Stockbridge, Mich., and Ann Arbor, Mich., serving all intermediate points, between junction Interstate Highway 94 and Belleville Road near Belleville, Mich., and Belleville, Mich., serving all intermediate points, between Birdsall, Mich., and Tecumseh, Mich., serving all intermediate points, between Romulua, Mich., and junction Goddard Road and Airport Drive near Detroit Metropolitan Wayne County Airport, Mich., serving all intermediate points, (Alternate Route for operating convenience only) between junction Interstate Highway 94 and U.S. Highway 127 near Jackson, Mich., and junction Interstate Highway 94 and Michigan Highway 52 near Chelsea, Mich., in connection with carrier's regular route operations authorized herein, serving no intermediate points, with restrictions; between Ypsilanti State Hospital (Washtenaw County), Mich., and Junction Wayne Road and Interstate Highway 94 (Wayne County), Mich., serving all intermediate points, between junction Merriman Road and Interstate Highway 94 (Wayne County), Mich., and Detroit, Mich., serving all intermediate, with restrictions; between Toledo, Ohio, and South Bend, Ind., serving all intermediate points, with service at Elkart, South Bend, and at points on U.S. Highway 33, restricted to the transportation of passengers moving to or from points east of Elkhart, between Toledo, Ohio, and Ypsilanti, Mich., serving all intermediate points, between juncion U.S. Highway 23 and Interstate Highway 94, and Willow Run Air Term-

inal, Mich., serving all intermediate points. HOLLAND INDUSTRIES, INC. holds no authority from this Commission. However, it owns all of the outstanding stock of BUCKEYE CHARTER CO., who is authorized to operate as a *common carrier* Ohio Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12825. Authority sought for purchase by TOM INMAN TRUCKING, INC., 6015 South 49th West Ave., Tulsa, OK., 74107, of a portion of the operating rights of FOPA TRANSPORT, INC., 1804 S. 27th Avenue, Phoenix, AZ., 85009, and for acquisition by PAUL THOMAS INMAN, of Tulsa, OK., 74107 also, of control of such rights through the purchase. Applicants' attorney: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA., 94104. Operating rights sought to be transferred: *Lumber*, as a *common carrier* over irregular routes, from Snowflake, Cutter, Fredonia, and Payson, Arizona to points in New Mexico and a portion of Texas; from points in Oregon, California and Arizona to points in Hidalgo County, New Mexico. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12826. Authority sought for purchase by F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT., 84104, of a portion of the operating rights of ARCHER FREIGHT LINES, INC., P.O. Box 16305, and for acquisition by MERLIN J. NORTON, of Salt Lake City, UT., 84104 address, of control of such rights through the purchase. Applicants' attorneys: Alan R. Wilson, 1945 South Redwood Road, Salt Lake City, UT., 84104, and Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NB., 68501. Operating rights sought to be transferred: *Bulk and service station equipment*, each article to weigh maximum 5,000 pounds, *agricultural commodities, feeds, seeds, feed-lot supplies, building and construction materials and equipment, office and store fixtures* (except those transported as part of a household-goods movement, *telephone and power line materials*, and *coal*, as a *common carrier* over irregular routes between Julesburg, Colorado, and points in Colorado within 75 miles of Julesburg, on the one hand, and, on the other, points in Wyoming; *farm machines*, minimum 5,000 pounds, between points in Colorado within 75 miles of Julesburg, Colorado, on the one hand, and, on the other, points in Wyoming; *Bulk and service station equipment*, each article to weigh a maximum of 5,000 pounds, *building and construction material and equipment, telephone and power line materials*, and *coal*, between points in Colorado, on the one hand, and, on the other, points in Wyoming. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Arizona, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12827. Authority sought for purchase by LESTER SMITH TRUCKING, INC., 11460 West 44th Ave., Wheatridge, CO., 80033, of a portion of the operating rights of ARCHER FREIGHT CO., 80216, and for acquisition by DAVID LINES, INC., P.O. Box 16305, Denver, CO., 80216, and for acquisition by DAVID J. LISTER, of Wheatridge, Colorado, 80033, of control of such rights through the purchase. Applicants' attorney and representative: David J. Lister, 11460 West 44th Ave., Wheatridge, CO., 80033, and Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NB., 68501. Operating rights sought to be transferred: *Bulk and service station equipment*, each article to weigh maximum 5,000 pounds, *agricultural commodities, feeds, seeds, feed-lot supplies, building and construction materials and equipment, office and store fixtures* (except those transported as part of a household-goods movement), *telephone and power line materials*, and *coal*, as a *common carrier* over irregular routes, between Julesburg, Colorado, and points within 75 miles of Julesburg, on the one hand, and, on the other, points in Wyoming, South Dakota, Iowa, Kansas, and Nebraska, except North Platte, Ogallala, and Chappell, Nebraska, with restrictions; between points in Nebraska within 75 miles of Julesburg, Colorado, except North Platte, Ogallala, and Chappell, Nebraska, on the one hand, and, on the other, points in Colorado; *farm machines*, minimum 5,000 pounds, between points in Colorado within 75 miles of Julesburg, Colorado, on the one hand, and, on the other, points in Wyoming, South Dakota, Iowa, Kansas, and Nebraska, except North Platte, Ogallala, and Chappell, Nebraska, with restrictions; *farm machines*, between points in Nebraska within 75 miles of Julesburg, Colorado, with restrictions; *Agricultural machinery and implements* and parts thereof when transported in the same vehicle and at the same time with such machinery and implements, as described in Appendix III to the report in *Descriptions in Motor Carrier* Certificates, 61 M.C.C. 209, except commodities which by reason of size or weight require the use of special equipment, from Rock Island, Moline, and Chicago, Illinois, and Council Bluffs, Des Moines, Waterloo, and Dubuque, Iowa, to Julesburg, Colorado, and points in Keith County, Nebraska, with no transportation for compensation on return except as otherwise authorized, with restrictions; *prefabricated buildings*, from Julesburg, Colorado, and points within 75 miles thereof, to points in Iowa, with no transportation for compensation on return except as otherwise authorized; *building materials* (except precast and prestressed concrete products and commodities which by reason of size or weight require the use of special equipment), from points in Missouri to Julesburg, Colorado, and points within 75 miles thereof, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Colorado, Iowa, Kansas, Missouri, Nebraska, and South Dakota. Application has been filed for temporary authority under section 210a(b).

NOTICE

McHUGH BROTHERS HEAVY HAULING, INC. (McHugh), Box 196, Penndel, Bucks County, Pennsylvania 19047, represented by Mr. James C. McHugh, Box 196, Penndel, Pennsylvania 19047, hereby give notice that, on the 4th day of August, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for McHugh to lease from the Bucks County Construction Company (BCCC) the properties of the New Hope and Ivyland Railroad Company (New Hope), a common carrier by rail. McHugh will lease and operate the properties for a 3-year period.

The operating rights sought to be controlled are the operating rights and property of the New Hope from New Hope to Ivyland, Pennsylvania, which application is assigned Finance Docket No. 27971.

As the New Hope is in reorganization, a Plan of Reorganization was submitted to the Interstate Commerce Commission and the Reorganization Court and was approved by both. The above-described transaction constitutes part of the Plan.

McHugh, a non-carrier, is controlled by James C. McHugh and Robert C. McHugh through stock ownership. James C. and Robert McHugh also control through stock ownership Bucks County Construction Company, a motor common carrier subject to Part II of the Act. BCCC operates pursuant to authority authorized in No. MC 126034 to operate as a common carrier over irregular routes from to and between points and places in the States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, West Virginia, Maryland, and the District of Columbia.

Applicants have stated in their application that the quality of the human environment will not be affected by the proposed Commission's action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55

(Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL RERISTER.

McHUGH BROTHERS HEAVY HAULING, INC.

Finance Docket No. 27590 (Petition for leave to file petition and petition of Consolidated Rail Corporation for authority to join the flat car pooling plan) (TRAILER TRAIN COMPANY ET AL.—FOR APPROVAL OF THE POOLING OF CAR SERVICE WITH RESPECT TO FLAT CARS), published in the March 12, 1974, issue of the FEDERAL REGISTER. By petition filed April 1, 1976, Consolidated Rail Corporation seeks modification of the report and order of August 1, 1974, as modified by supplemental report and order of September 24, 1974, which aproved the flat car pooling agreement in the above-entitled proceeding, subject to conditions, in order to permit the petitioning railroad to join in the flat car pooling arrangement as a full and equal participant.

Finance Docket No. 27589 (Petition for leave to file petition and petition of Consolidated Rail Corporation for authority to join the box car pooling plan) (AMERICAN RAIL BOX CAR COMPANY AND TRAILER TRAIN COMPANY ET AL.—FOR APPROVAL OF THE POOLING OF CAR SERVICE WITH RESPECT TO BOX CARS), published in the March 12, 1974, issue of the FEDERAL REGISTER. By petition filed April 1, 1976, Consolidated Rail Corporation seeks modification of the report and order of August 1, 1974, as modified by various supplemental reports and orders, which approved the box car agreement in the above-entitled proceeding, subject to conditions, in order to permit the petitioning railroad to join in the box car pooling arrangements as a full and equal participant.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

Notice

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 14552 (Sub-No. 59), (republication) filed January 31, 1975, and published in the FEDERAL REGISTER issue of March 6, 1975 and republished this issue. Applicant: J. V. McNicholas Transfer Co., 555 West Federal Street, Youngstown, Ohio, 44501. Applicants' representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. This request was amended in Part (1), now part (1)(a), to include part (1)(b), *Steel, steel products, materials* used in the manufacture of steel, and *building and construction materials*, (except commodities in bulk and commodities requiring special equipment), between points in Ohio, on the one hand, and, on the other, points in West Virginia, Michigan, New York and Pennsylvania, and in Part (4) to enlarge the commodity description from steel pipe, conduit, tubing and fittings for steel pipe, conduit, and tubing, to *pipe and tubing*. This matter concerns a gateway elimination request directly related to MC–F–11775.

No. MC 63562 (Sub-No. 54), filed April 6, 1976. Applicant: BN TRANSPORT, INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Irregular routes: Between points in Du Page, Cook, Kendall, Grundy, Will, Kane and Kankakee Counties, Ill., and points in DeKalb, La Salle, Livingston, Ford and Iroquois Counties, Ill., on, east, or north of a line beginning at the intersection of Illinois Highway 23 and the north county line of DeKalb County and extending southerly along Illinois Highway 23 to its junction with Illinois Highway 116, thence easterly along Illinois Highway 116 to its junction with U.S. Highway 45, thence easterly along U.S. Highway 45 to its junction with U.S. Highway 52, thence easterly along U.S. Highway 52 to the Illinois-Indiana state line; and (2) Regular routes: Serving points in the irregular route territory described in (1) above as off-route points in connection with applicant's regular routes authority to serve Chicago, La Grange and Aurora, Ill.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12808 published in the FEDERAL REGISTER issue of April 22, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 35320 (Deviation No. 20), T.I.M.E.–D.C., INC., P.O. Box 2550, Lubbock, Tex. 79408, filed April 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to Little Rock, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over Texas Highway 114 to Roanoke, Tex., thence over U.S. Highway 377 to Denton, Tex., thence over Texas Highway 99 to Whitesboro, Tex., thence over U.S. Highway 82 to Sherman, Tex., thence over U.S. Highway 75 to Durant, Okla., thence over U.S. Highway 69 to Muskogee, Okla., thence over U.S. Highway 64 to Ft. Smith, Ark., thence over Arkansas Highway 22 to Dardanelle, Ark., thence over Arkansas Highway 7 to Russellville, Ark., thence over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Little Rock, Ark., and return over the same route.

No. MC 89723 (Deviation No. 35), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed April 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Opelousas, La., over

U.S. Highway 167 to Lafayette, La., thence over U.S. Highway 90 to junction Louisiana Highway 14, thence over Louisiana Highway 14 to New Iberia, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Opelousas, La., over U.S. Highway 190 to junction Louisiana Highway 31, thence over Louisiana Highway 31 to New Iberia, La., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56402 filed April 13, 1976. Applicant: INDUSTRIAL FREIGHT SYSTEM, INC., 9120 San Fernando Road, Sun Valley, Calif. 91352. Applicant's representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, Calif. 90650. Certificate of Public Concenience and Necessity sought to operate a freight service as follows: *General commodities*, (except 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 Minimum Rate Tariff No. 4–B. 2. Automobiles, trucks and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulance, hearses and taxis, freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. 4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. 5. Liquids, compresed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; and 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.), 1. Between all points and places within the Los Angeles Basin Territory, 2. Between all points and places within the San Diego Territory, 3. Between all points and places within the Los Angeles Basin Territory, on the one hand, and all points and places within the San Diego Territory, including intermediate points and places along U.S. Highways Nos. 101, 101–A and U.S. Highway Interstate No. 5 and laterally 20 miles on either side of said highways, on the other hand; and 4. Carrier may use the highways named herein in either direction and any other public roadways necessary or convenient to perform the service authorized in Paragraphs 1, 2 and 3 supra. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760290–CCT filed April 16, 1976. Applicant: DUVAL CARTAGE, INC., 321 N. Lane Avenue, Jacksonville, Fla. 32205. Applicant's representative: Richard B. Austin, Ste. 214, Palm Coast II Bldg., 5255 N. W. 87th Avenue, Miami, Fla. 33178. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (excluding household goods as defined by the Commission, articles of unusual value and articles which are injurious to other ladings, commodities in bulk, and articles which, by reason of size, weight or bulk, require specialized equipment and handling), between points in Jacksonville (Duval County), Fla., on the one hand, and, on the other, points in Alachua, Bradford, Clay, Duval, Marion, Nassau and St. Johns Counties, Fla., restricted to traffic having an immediately prior or subsequent handling by freight forwarder. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10307 Filed 5–5–76;8:45 am]

CAR SERVICE RULES

[Twenty-First Revised Exemption No. 12]

Exemption Under Provision of Rule 19

TO ALL RAILROADS:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Company
Reporting Marks: CIM
Fonda, Johnstown and Gloversville Railroad Company
Reporting Marks: FJG
Hartford and Slocomb Railroad Company
Reporting Marks: HS
Louisiana Midland Railway Company
Reporting Marks: LOAM
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Pennsylvania Railroad Company
Reporting Marks: MPA
Minneapolis, Northfield and Southern Railway
Reporting Marks: MNS
New Hope and Ivyland Railroad Company[1]
Reporting Marks: NHIR
Picken Railroad Company
Reporting Marks: PICK
Roscoe, Snyder and Pacific Railway Company
Reporting Marks: RSP
Wellsville, Addison & Galeton Railroad Corporation
Reporting Marks: WAG

Effective May 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 28, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13241 Filed 5–5–76;8:45 am]

[Revised Exemption No. 123]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

TO ALL RAILROADS:

It appearing, That railroads named herein own numerous plain flat cars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would re-

[1] Addition.

sult in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain flat cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FM", and having less than 200,000 lbs. carrying capacity, and bearing reporting marks assigned to railroads named below, shall be exempted from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Chicago & Eastern Illinois Railroad Company
Reporting Marks: CEI–C&EI
Missouri Pacific Railroad Company
Reporting Marks: MP
Southern Railway Company
Reporting Marks: AEC–CG–NS–SOU–TA&G
The Texas and Pacific Railroad Company
Reporting Marks: TP–T&P

Effective May 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 28, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13246 Filed 5–5–76;8:45 am]

[Exemption No. 125]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

TO ALL RAILROADS:

It appearing, That the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company (MILW) owns numerous 40-ft. narrow door plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the MILW; that return of these cars to the MILW would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owner; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the MILW, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, and having door openings less than nine feet wide, and bearing MILW reporting marks, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective 12:01 a.m., May 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13244 Filed 5–5–76;8:45 am]

[Amendment No. 2 to Corrected Exemption No. 104]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire July 31, 1976.*

This amendment shall become effective April 30, 1976.

Issued at Washington, D.C., April 27, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13245 Filed 5–5–76;8:45 am]

[I.C.C. Order No. 167 Under Revised S.O. No. 994]

REROUTING TRAFFIC

In the opinion of Lewis R. Teeple, Agent, the Burlington Northern Inc. (BN) and Canadian National Railways (CN) are unable to transport traffic routed via Northgate, North Dakota, because of washout on the CN between Northgate, North Dakota, and Lampman, Saskatchewan, Canada.

It is ordered, That: (a) *Rerouting traffic.* The BN and CN being unable to transport traffic routed via Northgate, North Dakota, because of washout on the CN between Northgate and Lampman, Saskatchewan, Canada, these lines are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., April 27, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 10, 1976, unless otherwise modified, changed, or suspended.

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 27, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–13247 Filed 5–5–76;8:45 am]

[Notice No. 123]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Tompkins Motor Lines, Inc., MC-20783 Sub-95 TA	MC-20783 Sub-100	Apr. 30, 1976
D.b.a. The Waggoners, MC-26396 Sub-45 TA	MC-26396 Sub-51	Apr. 26, 1976
D.b.a. The Waggoners, MC-26396 Sub-52, 75	MC-26396 Sub-63	Do.
Douglas L. Turner, MC-51844 Sub-2 TA	MC-51844 Sub-3	Apr. 27, 1976
Behnke, Inc., MC-52473 Sub-9 TA	MC-52473 Sub-10	Do.
Sawyer Transport, Inc., MC-123407 Sub-159 TA	MC-123407 Sub-157	Apr. 26, 1976
Sawyer Transport, Inc., MC-123407 Sub-236 TA	MC-123407 Sub-247	Do.
D.b.a. R. A. Crawford Trucking Service, MC-128940 Sub-21 TA.	MC-128940 Sub-22	Do.
Heyl Truck Lines, Inc., MC-133119 Sub-53 TA	MC-133119 Sub-59	Apr. 28, 1976
Tri State Associates, Inc., MC-135170 Sub-5 TA	MC-135170 Sub-4	Apr. 26, 1976
Donoco Carriers, Inc., MC-136375 Sub-3 TA	MC-136375 Sub-4	Apr. 27, 1976
Gas Inc., MC-138844 Sub-7 TA	MC-138844 Sub-1	April 26, 1976
Able Moving and Storage Co., Inc., MC-140496 Sub-1 TA	MC-140496 Sub-2	Do.
Dairyland Transport, Inc., MC-140615 Sub-1 TA	MC-140615 Sub-4	Apr. 27, 1976
Ensee Service Corp., MC-141053 Sub-1 TA	MC-141053 Sub-2	Do.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13243 Filed 5-5-76;8:45 am]

[Notice No. 40]

ASSIGNMENT OF HEARINGS

MAY 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 102520 Sub 5, Ric's Transfer Co., now assigned May 18, 1976, at Seattle, Wash., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13248 Filed 5-5-76;8:45 am]

[Notice No. 58]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 3, 1976.

The following notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2980 (Sub-No. 9TA), filed April 22, 1976. Applicant: LANDGREBE MOTOR TRANSPORT, INC., Highway 130 West, Valparaiso, Ind. 46383. Applicant's representative: Earl F. Landgrebe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, no protected service, from Teft, Ind., and San Pierre, Ind., over State Highway 421 and State Highway 10. Applicant intends to interline at Chicago, Ill., and South Bend, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tri State Steel & Fabricating Co., Inc., 1000 Main St., Tefft, Ind. 46380. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 52460 (Sub-No. 180TA), filed April 22, 1976. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Thomas A. Rucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and related advertising material, from Longview, Tex., to points in Oklahoma, for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old Post Office & Courthouse, 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 95084 (Sub-No. 111TA), filed April 22, 1976. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog and cattle feeding equipment and automated feed systems*, from Jamestown, Ohio, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, South Dakota, Tennessee and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pax Distributing Company, North Fourth St., Coldwater, Ohio and The Adams-Thuma Lumber Co., 27 South Church St., Jamestown Ohio. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 103051 (Sub-No. 369TA), filed April 9, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean oil*, in bulk, in tank vehicles, from Raleigh, N.C., to the plantsite of Ralston Purina Company, at or near Zellwood, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, 835 S. 8th St., St. Louis, Mo. 63188. 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 111274 (Sub-No. 12TA), filed April 23, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and fencing materials, farm buildings, materials and components of farm buildings*, between Morton, Ill., on the one hand, and, points in Tennessee on the other, under a continuing contract with Morton Buildings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton

Buildings, Inc., Richard Bartlow, Traffic Manager, 252 W. Adams St., Morton, Ill. 61550. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 112750 (Sub-No. 326TA), filed April 22, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Pittsburgh, Pa., on the one hand, and, on the other, Elkins, Keyser, Moorefield, Petersburg, and Romney, W. Va., under a continuing contract with Mellon Bank, N.A.; South Branch Valley National Bank; Farmers and Merchants Bank of Keyser; The Bank of Romney; Citizens National Bank of Elkins; and Potomac Valley Bank, for 30 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118959 (Sub-No. 135TA), filed April 22, 1976. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and closures therefor*, from the facilities of Plastipak Packaging at Highlands, Tex., to points in Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Missouri, Iowa and Nebraska, for 180 days. Supporting shipper: Plastipak Packaging, State Route 65, Jackson Center, Ohio 45334. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 14185 (Sub-No. 1TA), filed April 22, 1976. Applicant: T. W. SMITH WELDING SUPPLY CORPORATION, 885 Meeker Ave., Brooklyn, N.Y. 11222. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed gas*, in cylinders, from the facilities of Matheson at East Rutherford, N.J., to points in Nassau, and Suffolk Counties, N.Y., and New York, N.Y..; and (2) *Empty cylinders*, from the above destinations to the facilities of Matheson at East Rutherford, N.J., under a continuing contract with Matheson, for 180 days. Supporting shipper: Matheson, 1275 Valley Brook Ave., Lyndhurst, N.J. 07071. Send protests to: M. B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141987TA, filed April 22, 1976. Applicant: THE LOGAN TRUCKING COMPANY, R.F.D. 2, Belle Center, Ohio 43310. Applicant's representative: Jerry B. Sellman, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates and hot mix*, in dump vehicles, from the facilities of The Shelly Company, located in Meigs and Gallia Counties, Ohio, to points in Mason and Jackson Counties, W. Va., under a continuing contract with The Shelly Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Shelly Company, Box 266, Thornville, Ohio 43076. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

By the Commission.

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

[FR Doc.76-13242 Filed 5-5-76;8:45 am]

federal register

THURSDAY, MAY 6, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION

Eligibility of Costs Incurred by Displaced Business Concern at Replacement Site

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 42]

[Docket No. R-76-241]

RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION

Eligibility of Costs Incurred by Displaced Business Concern at Replacement Site

The Department of Housing and Urban Development (HUD) has become increasingly aware, over a period of years, of problems arising in connection with HUD policy governing the eligibility of costs incurred by a displaced business concern in order to make its replacement building or site suitable for the resumption of business operations. There have been difficulties in achieving sound and uniform practices among HUD's many program participants and, in some cases, the policy may have permitted windfall payments.

In an attempt to adhere to the objective of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") to minimize hardship in connection with relocation, HUD has treated a wide range of physical changes to a replacement business site to be eligible moving expenses, even when this resulted in substantial increases in the assets of the displaced business. The Department has now concluded that this is an administratively unworkable policy and not the appropriate mechanism for curing hardships not specifically addressed by the Uniform Act.

The Department has studied a number of alternative approaches for setting fair and equitable limits on costs incurred by a business concern at its replacement location. This review included extensive consideration of public comment received in response to the proposed rulemaking published in the FEDERAL REGISTER on August 19, 1975 (40 FR 36142), much of which comment focussed on the legitimate hardships of affected businesses and the arguments for generous payments. Having completed this policy review and consideration of alternatives, the Department is withdrawing the earlier proposal and substituting therefor a different approach. The presently proposed approach is similar to that followed by the Department of Transportation. If this approach is adopted, the relocation practices of the two agencies that administer the Federal programs accounting for the largest magnitude of displacement subject to the Uniform Act will be brought into closer conformity.

The major change embodied in the present proposal is deletion of the provision of the regulations that recognizes as an eligible moving expense, subject to certain conditions, up to $100,000 of costs incurred by a business concern for changes made at the replacement location. Deletion of this provision, however, does not eliminate as eligible all costs that a business concern may incur at the replacement location. Paragraph 42.65(c)(3) of the proposed amendment authorizes compensation for costs incurred by a business concern for the reinstallation of relocated machinery and equipment, including costs incurred for modifications of the machinery or equipment that may be necessary to adapt it to the replacement location or to utilities available at the replacement location.

Specifically, the proposed amendment would revise § 42.65 of the regulations by:

1. Reorganizing the section to identify separately for residential displacement (paragraph 42.65(b)) and nonresidential displacement (paragraph 42.65(c)) the types of costs that may be eligible for inclusion as a moving expense. Proposed paragraphs 42.65(b) and 42.65(c) replace the listing of costs in present paragraph 42.65(a) and all of present paragraph 42.65(b). A number of paragraphs in § 42.65 have been renumbered without substantial change.

2. Revising present paragraph 42.65(b)(1) to define more specifically the types of installation costs eligible for inclusion as a moving expense and to state them separately for residential displacement (proposed paragraph 42.65(b)(3)) and for nonresidential displacement (proposed paragraph 42.65(c)(3)).

3. Deleting present paragraph 42.65(b)(2) relating to compensability of costs incurred by a business concern for changes made at its replacement location.

4. Revising present paragraph 42.65(b)(4) to define more specifically the types of costs for professional services eligible for inclusion as a moving expense (proposed paragraph 42.65(c)(8)).

5. Combining in proposed paragraph 42.65(d), Special requirements and limitations—Businesses and farm operations, material presently set forth in paragraphs 42.65(b)(5), 42.65(c), and 42.65(d). Material on "substitute equipment" (proposed paragraph 42.65(d)(5)) has been revised to define more specifically the types of costs eligible for inclusion as a moving expense.

In reviewing the Department's present proposal, it should be kept in mind that as localities shift from HUD categorical programs to the Community Development Block Grant (CDBG) program authorized by the Housing and Community Development Act of 1974, far greater flexibility for the use of funds is available. Thus, when eligible activities result in the displacement of business concerns that may encounter severe hardships as a result of additional expenditures necessary at their replacement location, block grant funds may be used to help ameliorate problems attendant to the move if such payments are believed warranted by local officials. In some cases, block grant funds may also be used for this purpose in connection with certain of the categorical programs being phased out under CDBG. Another possible source of help for displaced business concerns is through the programs of the Small Business Administration which provides both financial and technical assistance.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements. Communications should identify the proposed rule by the above docket number and title, and should be addressed to 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. All relevant material received on or before June 7, 1976, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

The Department has determined that an environmental impact statement is not required with respect to this rule. The finding of inapplicability is available for examination during business hours in the office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to revise § 42.65 as follows:

§ 42.65 Actual reasonable moving expenses.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of § 42.55 and the requirements of this section for actual reasonable expenses specified below and subject to the limitations set forth in paragraph (d) of this section for moving himself, his family, business, farm operation, or other personal property. In all cases the amount of a payment shall not exceed the cost of the least expensive feasible method of accomplishing the activity in connection with which a claim has been filed, as determined by the State agency.

(b) *Residential.* Actual reasonable moving and related expenses to which a displaced resident (homeowner or tenant) may be entitled shall include:

(1) Transportation not to exceed a distance of 50 miles from the site from which displaced, except where the State agency determines that relocation beyond such distance of 50 miles is justified;

(2) Packing, crating, unpacking, and uncrating personal property;

(3) Disconnecting, dismantling, removing, reassembling, reconnecting, and installing relocated household appliances or other personal property;

(4) Such storage of personal property, for a period generally not to exceed 12 months, as the State agency determines to be necessary in connection with relocation;

(5) Insurance of personal property while in storage or transit; and

(6) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.

(c) *Nonresidential.* Actual reasonable moving and related expenses to which a displaced business concern and farm operation may be entitled shall include:

(1) Transportation not to exceed a distance of 50 miles from the site from which displaced, except where the State agency determines that relocation beyond such distance of 50 miles is justified;

(2) Packing, crating, unpacking, and uncrating personal property;

(3) Disconnecting, removing, reassembling, and reinstalling relocated machinery, equipment, or other personal property (including modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location) and reconnecting utilities at the replacement location;

(4) Such storage of personal property, for a period generally not to exceed 12 months, as the State agency determines to be necessary in connection with relocation;

(5) Insurance of personal property while in storage or transit;

(6) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available;

(7) The cost of any license, permit, or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location; and

(8) The reasonable cost of any professional services (including but not limited to architects', attorneys', or engineers' fees, or consultants' charges) necessary for (i) planning the move of personal property, (ii) moving the personal property, or (iii) installation of relocated personal property at the replacement site.

(d) *Special requirements and limitations—Businesses and farm operations.*— (1) *Notification to State agency and inspection of property.* Except as provided in this subparagraph, no payment for actual reasonable moving expenses shall be made to a displaced person for moving his business or farm operation unless:

(i) The State agency has received at least 30 days (or such earlier date as the State agency may determine necessary, but not earlier than 90 days) prior to the moving date, written notice from such displaced person of his intention to move or dispose of personal property used in connection with such business or farm operation (which property shall be described generally in the notice), and the date of such intended move or disposition; and

(ii) The displaced person has permitted, at all reasonable times, the inspection by or on behalf of the State agency of such property at the site from which the business or farm operation is displaced.

(iii) For the purpose of this subparagraph, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The State agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the agency has determined that there was reasonable cause for the failure of the displaced person to give such notice, and the agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

(2) *General limitation on moving expenses.* Payment to a displaced person for moving expenses in connection with moving a business or farm operation shall not exceed the amount of the low bid submitted in accordance with paragraph (e)(2) of this section.

(3) *Self-moves.* A displaced person electing to self-move a business or farm operation may submit a claim for his moving expenses to the State agency in an amount not to exceed an acceptable low bid obtained by the State agency, without documentation of moving expenses actually incurred.

(4) *Personal property of low value and high bulk.* Where, in the judgment of the State agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This subparagraph may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, and metals.

(5) *Substitute equipment.* Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, the allowable reimbursement to the displaced person may not exceed the lesser of (i) the replacement cost (including installation at the replacement site), minus any proceeds received from its sale or trade-in, or (ii) the estimated cost of moving the replaced item, determined in accordance with paragraph (c) of this section except that no storage costs may be included in the estimate.

(e) *Documentation in support of a claim.*— (1) *General.* Except in the case of a displaced person conducting a self-move of a business or farm operation as provided in paragraph (d)(3) of this section, a claim for a payment under this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the State agency, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the State agency, and the agency may pay the mover directly.

(2) *Business and farm operations.* Each claim in excess of $1,000 for the costs incurred by a displaced person for moving his business or farm operation shall be supported by bids obtained by the displaced person at least 15 days prior to the commencement of the move from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a written justification shall be submitted by the displaced person and no relocation payment shall be allowed in such cases unless the State agency has approved the justification. Where such bid requirement cannot be complied with under State law, or where estimates in an amount of less than $1,000 were obtained in good faith by the displaced person, such claim shall be supported by estimates in lieu of bids.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C., April 29, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76-13170 Filed 5-5-76;8:45 am]

federal register

THURSDAY, MAY 6, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

NAVIGATION SAFETY REGULATIONS

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 164]

[CGD 74-77]

NAVIGATION SAFETY REGULATIONS

Proposed Testing Requirements

This notice proposes rules prescribing navigation practices and equipment and testing requirements for all vessels of 1600 gross tons and over when operating on the navigable waters of the United States, except the Panama Canal and St. Lawrence Seaway. These rules would be published in Subchapter P of Title 33, Code of Federal Regulations, as a new Part 164 entitled "Navigation Safety Regulations." The purposes of the rules are to prevent vessel collisions and groundings and protect the navigable waters from environmental harm resulting from vessel collisions and groundings.

Written Comments. Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. Two or more copies of comments submitted are encouraged. Suggested new or different regulations will be welcome.

Copies of all written comments will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Public hearings. The Coast Guard will hold two public hearings on this proposal to receive written and oral comments from interested persons. The first hearing will be held on June 11, 1976, beginning at 9:00 a.m. in room 2232, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The second hearing will be held on June 17, 1976, beginning at 9:30 a.m. in Room 503, Custom House, 555 Battery Street, San Francisco, California. It is requested that each person desiring to make oral comments at either hearing notify the Executive Secretary at the above stated address and specify the approximate length of time needed for the presentation. Submission of a written summary or copy of the oral presentation is encouraged. The time for presentation may be apportioned by the Coast Guard representative conducting the public hearings.

Closing date for comments. All relevant communications received on or before July 6, 1976, will be fully considered before final action is taken on this proposal. The proposal may be changed in light of the comments received; however, acknowledgement of individual comments will not be made.

Background of Proposal. An advance notice of proposed rule making was issued for this proposal in the June 28, 1974, issue of the FEDERAL REGISTER (39 FR 24157).

This proposal is based in part upon—

(1) Comments received on the advance notice;

(2) Consultations with members of the marine industry;

(3) Recommendations on navigation watchkeeping contained in Resolution A.285(viii) of the Intergovermental Maritime Consultative Organization (IMCO), adopted on November 20, 1973;

(4) Proceedings of the National Symposium on Marine Transportation Management, April 29 through May 1, 1975;

(5) Extensive Coast Guard discussions and staff work; and

(6) A recent Coast Guard study concerning current operational practices and equipment used on vessels.

(A copy of the study may be obtained by writing to the Commandant (G-WLE-4/73), U.S. Coast Guard, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.) Consideration was also given to navigation and equipment requirements currently in effect for Canadian waters.

In the Coast Guard study, which was completed in August, 1975, the equipment and navigation practices of approximately 300 vessels of all types were analyzed. With few exceptions a large majority of the vessels were found to comply with the navigation practices and equipment proposed as requirements in this notice. The Coast Guard is concerned about the few vessels that do not currently use these practices and equipment. These few vessels pose a serious hazard to vessel navigation. The seriousness of the hazard is intensified when considering the following:

(1) An increasing number of large vessels are being used to transport hazardous cargoes in bulk.

(2) The tonnage of waterborne commerce in the United States is increasing at an average rate of almost 60 million tons per year.

(3) Most vessel casualties occur in coastal and harbor regions and, thus, pose an environmental hazard to our shorelines as well as to the navigable waters.

(4) The number of vessels involved in reported collisions, rammings and groundings involving commercial vessels in U.S. waters has increased from 1,185 in fiscal year 1965 to 1,918 in fiscal year 1975.

The advance notice discussed the hazards posed by vessel operations and portions of the discussion are quoted as follows:

"The increasing number of large vessels carrying hazardous cargoes in bulk on the navigable waters of the United States has created a significant and growing hazard to life, property, and the marine environment. Eighty percent of vessel casualties occur within coastal and harbor regions. The *Torrey Canyon* grounding, the *Tamano* grounding, the *Oregon Standard* and the *Arizona Standard* collision, and the tug *Carolyn* and *Weeks Barge No. 254* collision with the Chesapeake Bay Bridge and Tunnel, exemplified casualties that have occurred in waters adjacent to shore areas. Each of these casualties posed a significant threat to life, property, and the environment. Information regarding these incidents and similar incidents reveals that human error is often the primary cause of casualties. The conclusion of a study based on Coast Guard investigations is that human error is a contributing factor in 85 percent of casualties."

Fifty-one communications were received on the advance notice of proposed rule making. Each of the comments was considered in preparing this notice. The major comments and their disposition are summarized as follows:

a. Ten commenters stated that many of the requirements proposed in the advance notice have little applicability to towboats and other small vessels and, in particular, that many of the requirements are too burdensome and unrealistic when applied to these vessels. These comments show the need for further study of operational practices and equipment used on smaller vessels and of the effects that crew size and space and vessel construction limitations have on their operation. Accorlingly, the proposed regulations have been made applicable only to vessels of 1,600 and more gross tons. Any regulatory action applicable to smaller vessels will be based upon additional study and published as a proposal after consultation with those in the marine industry to be affected by the regulations and with other interested parties.

b. Seven commenters recommended improvements in the licensing, training, and regulation of vessel personnel as a better approach to preventing vessel casualties. Regulations concerning licensing of vessel personnel, including their training and experience, is an important ongoing activity carried out by the Coast Guard. This activity is under continual study leading, when necessary, to regulatory revision. However, the Coast Guard has determined that, in addition to continuing revision of regulations concerning licensing of personnel, the requirements contained in this proposal are essential to reduce the occurrence of vessel casualties.

c. Four commenters objected to limiting the applicability of the proposed regulations to seagoing vessels on the basis that inland waters are no less vulnerable to casualties and because the term "seagoing vessels" is unclear. The limitation has been deleted from the regulations proposed in this notice; accordingly, the proposed regulations apply to both seagoing and non-seagoing vessels. The Coast Guard recognizes that some of the proposed requirements may not have application to particular vessels; however, proposed § 164.53 contains a procedure for obtaining in appropriate cases an authorization from the Captain of the Port to deviate from specific requirements.

d. Four commenters expressed reservations concerning the proposal that one of the radar units required for a vessel over 10,000 gross tons be equipped with an "anti-collision" device. The commenters stated that the device is still in the

developmental stage. The requirement has been deleted from the proposed regulations and replaced with a requirement in proposed § 164.35(j) to have equipment in the pilothouse to plot relative motion of vessels. The Coast Guard is continuing to study possible requirement of radar anti-collision devices.

e. Five commenters objected to the proposal to require a vessel to maintain a plot of its movement and lay out a trackline of intended vessel movement. The objections were that it is not possible to follow the intended trackline, that this additional work would distract the operator from observing passing aids to navigation, and that a plot is not useful in many circumstances such as while navigating in a narrow channel. While these objections may be valid with respect to some small vessels with limited crews, these vessels have been removed from the scope of the proposed rules. These operational practices are considered necessary and practical for vessels of 1,600 gross tons and over and are in fact followed by most such vessels.

f. Four commenters objected to the requirement to test vital equipment before entering or getting underway in U.S. navigable waters. The commenters felt that testing is not necessary since equipment malfunctions will be detected in normal operation. The testing requirements have been retained and are set forth in proposed § 164.25. Much of the equipment tested is not used during a long sea voyage or during periods between voyages and its availability for use is essential for safe inshore navigation.

g. Four commenters suggested that to ensure uniformity the Coast Guard should postpone issuance of regulations until international standards have been developed. The Coast Guard has determined that because of the severity of the hazards with which these regulations are concerned a postponement is not appropriate. Any inconsistencies between the regulations proposd in this notice and subsequently developed international standards covering the same subject matter will be resolved as they occur.

The issue of whether regulations should be developed currently or delayed until international standards are formulated was discussed recently at the National Symposium on Marine Transportation Management. There was considerable support expressed at the symposium for issuing regulations immediately.

Other comments on the advance notice are contained in following paragraphs that explain specific, proposed requirements.

Authority. The regulations proposed in this notice would be issued under the authority of Title I and Title II of the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424 (33 U.S.C. 1224, 46 U.S.C. 391a)) as delegated to the Commandant of the Coast Guard in 49 CFR 1.46 (n) and under the authority of the Federal Water Pollution Control Act (Pub. L. 92–500, 86 Stat. 862 (33 U.S.C. 1321)) as delegated to the Commandant in 49 CFR 1.46(m).

The policies and purposes of these acts were discussed in the advance notice and are restated again as follows:

"Senate Report No. 92–724 (March 28, 1972) states that the purpose of the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424) is to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Broad authority is granted by Title I of the Act to establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic and 'control vessel traffic in areas determined to be especialy hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances' in order to 'prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss * * *'.

"In addition, Title II of the Ports and Waterways Safety Act of 1972 authorizes comprehensive regulations for the design, construction, alteration, repair, maintenance, and operation of tankers and certain other vessels. The reason stated for this provision of the Act is as follows: '[T]he carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein * * * [and] existing standards for the design, construction, alteration, repair, maintenance, and operation of such vessels must be improved for the adequate protection of the marine environment.'

"The Federal Water Pollution Control Act (86 Stat. 862, 33 U.S.C. 1321(b)(1)) states the policy of the United States as follows: '[T]here should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contigous zone.' Regulations issued under the authority of section 311(j) of this Act are required to be consistent with maritime safety and navigation laws."

Discussion of proposed regulations. Proposed § 164.11 expands considerably on the requirements proposed in the advance notice. However, the items proposed simply codify existing practices traditionally employed by prudent navigators and ship handlers. Publication of these fundamentals of navigation would not be necessary except that some vessels do not currently follow these practices. Also, some court decisions involving litigation arising from vessel casualties have reflected tolerance of substandard navigation practices leading to the casualties.

Section 164.11(a) and (b) require that the pilothouse of a vessel underway be manned with competent personnel assigned by the master or person in charge to direct and control the movement of the vessel and to fix the vessel's position. The term "adequate number" as used in §§ 164.11(a) and in 164.15(b) means enough personnel to perform all the necessary functions in the pilothouse and the engine room. The term "competent" as used in §§ 164.11(b) and in 164.15(b) means appropriately licensed or certificated with the ability and knowledge to do the job.

Section 164.11 (c) and (d) require that a vessel's position be fixed at intervals of at least every 15 minutes and that the fix, and if necessary the intended track, be plotted each time a fix is obtained. The 15 minute maximum time lapse between fixes was selected because the course made good at typical speeds of advance normally will allow time to compensate for set and drift. Longer times between fixes increase the probability of hazardous deviations from the intended track. Conversely, operation in shoal waters or channels or in conditions of strong wind or current or operations at high rates of speed require even more frequent fixes to ensure that the vessel is not standing into danger.

Section 164.11 (e) and (f) require the use of available electronic and other positioning equipment and references, including external fixed aids, and incorporate a prohibition against using buoys alone as a means of fixing the vessel's position.

Section 164.11(g) requires the master or person in charge to ensure that a proper lookout is maintained. A proper lookout is one of the most effective safety measures that can be used on board a vessel, since it is well known that radar can fail to detect small contacts or "lose" them in sea return or in a profusion of contacts. The term "proper" in § 164.11 (g) means an individual who is assigned exclusively to perform the duties of the lookout, who has adequate communication with the pilot house, who is placed in the most advantageous position to act as a lookout, who has adequate training, adequate hearing, adequate vision, and is not color blind.

Section 164.11(h) requires the evaluation of each closing visual and radar contact. Risk of collision must be continually evaluated in order to take timely evasive action if necessary. Several vessels may pose a threat at one time. All must be considered by the person directing the movement of the vessel. Tracking and evaluation may require computation of course, speed, and closest point of approach (though observation of bearing change may often suffice) but all closing contacts introduce risk of collision and the risks should be continually assessed until they no longer pose a threat to the vessel.

Section 164.11 (i) and (j) require the master or person in charge to ensure that rudder orders and engine speed and direction orders are executed as given. The misapplication or reversal orders to helm and engines are findings that appear regularly in accident reports. There are several factors which contribute to errors in execution of these orders. Some of the factors include careless or incompetent personnel, bridge design (which often places the person issuing orders some distance from the helm or annunciator, background noise which can garble an order, and an unfamiliar dialect or language which can confuse or mislead the helmsman. The master should examine his vessel and crew to determine

the existence of possible problem areas. If problems exist, he should take action to remedy them.

Section 164.11(k) requires the person directing the movement of the vessel to have knowledge of and to apply correctly variation and deviation in magnetic compasses and gyro compass error. The recently conducted Coast Guard study contains observations that many vessels have outdated deviation tables and that correct variation is frequently not readily available for rapid application to the magnetic course should the gyro compass fail. Gyro compass errors have also been observed to be unavailable or incorrectly applied.

Section 164.11(l) requires a qualified helmsman to be at the steering position at all times. This procedure is basic when using "hand" steering, but it is equally important when navigating in the automatic mode. Use of the auto pilot does not provide sufficient control in coastal and harbor waters due to the proximity of natural hazards and vessel congestion and does not permit prompt response necessary to shift rapidly from automatic to manual or hand steering.

The pilot-master conference required in proposed § 164.11(m) would minimize misunderstandings. Although the pilot is of course qualified, every vessel has its own peculiarities which frequently are known only to the crew and which often vary with draft, speed, trim, and sea state. Similarly, every channel and harbor is unique. A short explanation by the pilot of unusual navigation or maneuvering techniques necessary for safe navigation in the waterway will help to ensure the close cooperation required by the pilot and master in maneuvering the vessel, particularly if emergency action becomes necessary.

Section 164.11 (n), (o), and (p) requires the person directing the movement of the vessel to know the current, predicted set and drift, and tides for the area to be transited. Prediction of tide and current values and resultant set and drift are routine on most vessels. However, it is essential that all vessels and particularly deep draft vessels avoid any possibility of grounding. The prediction of adverse conditions would alert the master to delay proceeding until conditions were favorable.

Section 164.11(q) will eventually contain requirements for "Minimum Net Bottom Clearance." These requirements will be further developed as a notice of proposed rulemaking upon receipt of comments requested by the advance notice of proposed rulemaking on this subject (CGD 76–051) which is published separately in this issue of the FEDERAL REGISTER.

Section 164.11(r) requires the master or person in charge of a vessel underway to ensure that the anchor is ready for letting go.

Section 164.11(s) and (t) require the proper use and employment of light signals, day shapes, and fog signals in accordance with the appropriate "Rules of the Road". These items function to provide a warning of a vessel's presence and give an indication of its size and maneuverability. There have been numerous incidents in which inattention to these precautions have resulted in collisions.

Section 164.11(u) enumerates the conditions which should be considered in determining the most prudent speed at which a vessel should proceed. Regard for these factors will minimize hazard to both the vessel and the area it transits.

Section 164.15 proposes additional requirements for vessels underway in confined or congested waters. The requirements include—

(1) placing the propulsion machinery in the maneuvering mode;

(2) ensuring that the engine room is manned by an adequate number of competent persons to operate the vessel in the maneuvering mode;

(3) ensuring that persons are available for rapid anchoring in an emergency;

(4) manning the steering engine room;

(5) ensuring that the person manning the steering engine room is in communication with the pilothouse; and

(6) ensuring that the automatic pilot device is not in use. These requirements are essential to provide appropriate rapid response to emergency situations. In confined or congested waters there is little time for taking action in the event of an equipment failure or when rapid response is required to avoid a collision or grounding.

Section 164.16 is reserved for a list of confined or congested waters. The criteria for designation of certain areas as "confined or congested" are under development and will be published as a notice of proposed rulemaking.

Section 164.17 is reserved for regulations concerning "Tug Assistance in Confined Waters." This concept is presented in an advance notice of proposed rulemaking published in this issue of the FEDERAL REGISTER (CGD 76–025).

Section 164.19 contains requirements for vessels at anchor. These requirements are considered the minimum steps necessary to ensure the safety of vessels and structures in and around anchorages. Recent incidents in vessel anchorages, some of which have led to casualties, highlight the need for these requirements.

Section 164.23 requires the Captain of the Port or the appropriate vessel traffic service to be notified before a vessel gets underway in reduced visibility or when current, wind, or tide may abnormally affect the vessel's movements. This proposed requirement is informational only. The information will allow the Captain of the Port to advise mariners of any known hazards, existing or anticipated, which may be encountered upon getting underway.

Section 164.25 requires certain tests of navigation and control systems before entering or getting underway in the navigable waters of the United States.

Section 164.30 requires the possession of up-to-date charts and appropriate nautical publications for the area being transited. Seven commenters responding to the advance notice objected to the proposed requirements to maintain up-to-date charts and publications. Commenters who are operators of seagoing vessels contended that U.S. charts and publications are difficult to obtain while in foreign areas. The rule allows use of either current foreign charts and publications or the most recently obtainable U.S. charts and publications. Thus, a vessel in foreign trade could obtain charts and publications in a foreign port which would comply with the regulations. Appropriate charts and publications are basic to the safe navigation of all vessels; accordingly, this requirement has been retained.

Section 164.35 delineates equipment requirements for all vessels, including requirements to have a marine radar, gyro compass, magnetic compass with appropriate deviation tables, illuminated rudder angle indicator, a table of maneuvering and speed characteristics, a depth sounder and recorder, speed indicator, and equipment for plotting relative motion. The requirement in proposed § 164.35(e) for a rudder angle indicator is considered essential to enable the person directing the movement of the vessel to monitor compliance with helm orders, to be reminded of rudder position, and to aid in evaluating helm response. The display of characteristic vessel responses to helm and engines proposed in § 164.35 (f), including such information as acceleration and deceleration tables, turning radii at various speeds and standard rudder angles, is proposed to provide a quick reference for pilots and ship's officers.

Three commenters on the advance notice objected to the proposed requirement for an echo sounding device as not being necessary. It is necessary that a minimum net bottom clearance be retained at all times. Thus, the requirement is considered to be essential and has been retained. Similarly, four commenters considered a depth recorder to be of little value. Bottom profiles for comparison with the vessel's track are useful aids in both establishing and verifying a vessel's position and are considered to be most valuable to the inshore navigator. This requirement has therefore been retained.

Six commenters objected to the proposed requirement in the advance notice for a speed indicating device. This requirement has been modified in § 164.35 (i) to permit either a direct reading device or the use of revolutions per minute (RPM) indicators provided that they are accompanied by speed equivalent tables.

As previously stated, six commenters objected to the requirement proposed in the advance notice for "collision avoidance" radar. This requirement has been replaced by the requirement in proposed

§ 164.35(j) to have equipment for plotting relative motion available in the pilot house.

Section 164.37 requires that each vessel of 10,000 or more gross tons have a second marine radar in addition to the radar required by § 164.35(a). On a vessel of this size, loss of radar capability imposes an unacceptable risk factor. Therefore, the requirement has been retained although three commenters on the advance notice were in opposition.

The requirements that the radars have "S-band" (10 centimeters) capability and "X-band" (3 centimeters) capability have been dropped. The Coast Guard agrees with the seven commenters on the advance notice who maintained the requirements for both "S-band" and "X-band" capability are not appropriate. S-band radars are becoming less common on U.S. waters and U.S. installed RACONS may be used only with X-band equipment.

Section 164.39 requires each vessel of 35,000 gross tons or more to have a rate of turn indicator on the bridge. A rate of turn indicator provides the person directing the movement of the vessel with information on heading change before the swing can be detected visually or by compass. The device is therefore considered to be essential for a vessel of this size.

Section 164.51 authorizes deviations in an emergency from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment. The section also requires the deviation to be reported to the nearest Captain of the Port or District Commander as soon as possible if the deviation must continue for more than a very brief time.

Section 164.53 provides for deviations from the rules in this part in other than emergency situations when authorized by the Captain of the Port. This section recognizes that routine deviations may be necessary and appropriate in the event of equipment failure or because of the particular service or locale of the vessel.

An environmental assessment has been conducted for these proposed regulations.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33, Code of Federal Regulations, by adding new Part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

Sec.

164.01 Applicability.
164.11 Navigation underway: general.
164.15 Navigation underway: confined or congested waters.
164.16 List of confined or congested waters.
164.17 Tug assistance in confined waters.
164.19 Requirements for vessels at anchor.
164.23 Notification of getting underway.
164.25 Tests before entering or getting underway.
164.30 Charts, publications and equipment: general.
164.33 Charts and publications.
164.35 Equipment: all vessels.
164.37 Additional equipment: vessels of 10,000 or more gross tons.
164.39 Additional equipment: vessels of 35,000 or more gross tons.
164.51 Deviations from rules: emergency.
164.53 Deviation from rules: other than emergency.
164.61 Marine casualty record retention.

AUTHORITY: Sec. 311(j)(1), 86 Stat. 826 (33 U.S.C. 1321(j)(1)); sec. 201(3), 86 Stat. 428, as amended (46 U.S.C. 391a(3)); sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(m) and (n)(4).

§ 164.01 Applicability.

This part applies to each self-propelled vessel of 1600 or more gross tons when it is operating in or on the navigable waters of the United States, except the Panama Canal and the St. Lawrence Seaway.

§ 164.11 Navigation underway: general.

The master or person in charge of each vessel underway shall ensure that:

(a) The pilothouse is constantly manned by an adequate number of persons to:

(1) Direct and control the movement of the vessel; and

(2) Fix the vessel's position;

(b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(c) The vessel's position is fixed at least every 15 minutes;

(d) The position of the vessel at each fix, and the revised intended track of the vessel if necessary, are plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position.

(e) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(f) Buoys alone are not used to fix the vessel's position;

NOTE: Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong currents, heavy seas, ice and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position. (See standard texts on nautical navigation practice such as Bowditch, Dutton, and Reisenberg.)

(g) A proper lookout is maintained;

(h) The danger of each closing visual or each radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(i) Rudder orders are executed as given;

(j) Engine speed and direction orders are executed as given;

(k) Magnetic variation and deviation and gyro compass errors are known and correctly applied by the person directing the movement of the vessel;

(l) A person whom he has determined is qualified to steer the vessel is at the steering position at all times;

(m) If a pilot other than a member of the vessel's crew is employed—

(1) The pilot is informed of the maneuvering characteristics and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation; and

(2) The master or person in charge of the vessel is informed by the pilot of abnormal characteristics of the area to be transited that may affect the vessel's safe navigation and of non-routine maneuvers before the pilot makes them.

(n) Current values for the area to be transited are known by the person directing the movement of the vessel;

(o) Predicted set and drift are known by the person directing movement of the vessel;

(p) Tide values for the area to be transited are known by the person directing movement of the vessel;

(q) (Reserved)

Reserved for "Minimum Net Bottom Clearance." (To be developed.)

(r) The vessel's anchors are ready for letting go;

(s) Proper lights and day signals are displayed;

(t) Proper fog signals are sounded;

(u) The person directing the movement of the vessel sets the vessel's speed with consideration for—

(1) The prevailing visibility and weather conditions;

(2) The proximity of the vessel to fixed shore and marine structures;

(3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(4) The proportions of the vessel and the channel;

(5) The density of marine traffic;

(6) The damage that might be caused by the vessel's wake;

(7) The strength and direction of the current; and

(8) Any local vessel speed limit;

(v) The tests required by § 164.25 are made and recorded in the vessel's pilot house log; and

(w) The equipment required by this part is maintained in operable condition.

§ 164.15 Navigation underway: confined or congested waters.

In the confined or congested waters described in § 164.16, the master or person in charge of each vessel underway shall ensure that—

(a) Propulsion machinery is in the maneuvering mode;

(b) The engine room is manned by an adequate number of competent persons to operate the vessel in the maneuvering mode;

(c) Persons are available for rapid anchoring in an emergency;

(d) The steering engine room is manned to shift steering control from the pilot house to the steering engine room;

(e) The person required by paragraph (d) of this section is in communication with the pilot house;

(f) The automatic pilot device is not in use.

§ 164.16 List of confined or congested waters.

To be developed.

§ 164.17 Tug assistance in confined waters.

To be developed.

§ 164.19 Requirements for vessels at anchor.

The master or person in charge of each vessel that is anchored shall ensure that:

(a) Procedures are followed to detect a dragging anchor;

(b) A proper lookout is maintained;

(c) If an anchor drags, action is taken to ensure the safety of the vessel, structures, and other vessels;

(d) The vessel is ready to get underway whenever weather, tide, or current conditions are likely to cause its anchor to drag;

(e) Proper lights and day signals are displayed; and

(f) Proper fog signals are sounded.

§ 164.23 Notification of getting underway.

Whenever the visibility is less than 300 yards or whenever current, wind, or tide may abnormally affect the vessel's movement, no person may cause a vessel to get underway from an anchorage established by the Coast Guard or a berth or pier unless the Captain of the Port or the vessel traffic service for that area has been notified that the vessel is getting underway.

§ 164.25 Tests before entering or getting underway.

No person may cause a vessel to enter or get underway on the navigable waters of the United States unless, no more than 12 hours before entering or getting underway, the following equipment has been tested:

(a) Normal and secondary steering gear.

(b) All internal vessel control communications and vessel control alarms.

(c) Each emergency generator for at least fifteen minutes.

(d) The storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(e) Main propulsion machinery, ahead and astern.

§ 164.30 Charts, publications and equipment: general.

No person may operate or cause the operation of a vessel unless the vessel has the charts, publications, and equipment required by §§ 164.33 through 164.39 of this part.

§ 164.33 Charts and publications.

(a) Each vessel must have the following:

(1) Charts of the area transited that:

(i) Are of a large enough scale and have enough detail to enable safe navigation of the area;

(ii) Are the most recent published for the area and corrected; and

(iii) Are published by the National Ocean Survey, U.S. Army Corps of Engineers, or a river authority. (See also paragraph (b) of this section.)

(2) The current corrected copy of, or applicable extract from, each of the following publications, if it includes the area being transited:

(i) U.S. Coast Pilot.

(ii) Coast Guard Light List.

(iii) Notices to Mariners published by Defense Mapping Agency Hydrographic Center and local Coast Guard Notice to Mariners.

(iv) Tide Tables published by the National Ocean Survey.

(v) Tidal Current Tables published by the National Ocean Survey, or river current publication issued by the U.S. Army, Corps of Engineers, or a river authority.

(b) A vessel may have a chart or publication published by a foreign government instead of a chart or publication required by this section if the chart or publication contains similar information to the U.S. Government publication or chart. A vessel bound from a foreign port to a port in the United States may have the latest charts and publications that were available at previous ports of call.

§ 164.35 Equipment: all vessels.

Each vessel must have the following:

(a) A marine radar system for surface navigation.

(b) An illuminated magnetic steering compass mounted in a binnacle that can be read at the vessel's primary steering position.

(c) A current magnetic compass deviation table or graph for the steering compass, in the pilot house.

(d) An illuminated gyro compass or repeater that can be read at the vessel's primary steering station.

(e) An illuminated rudder angle indicator in the pilot house.

(f) A diagram, graph, or table, that shows the vessel's maneuvering and speed characteristics, in the pilot house.

(g) An echo depth sounding device that can be read in the pilot house.

(h) A device to continuously record the depth readings of the vessel's echo depth sounding device.

(i) An illuminated device in the pilot house that displays the speed of the vessel, such as a pitometer log, revolutions-per-minute counter with speed equivalent table or a direct read-out device such as a doppler indicator.

(j) Equipment in the pilot house for plotting relative motion.

§ 164.37 Additional equipment: vessels of 10,000 or more gross tons.

Each vessel of 10,000 or more gross tons must have, in addition to the radar system required in § 164.35(a), a second marine radar system for surface navigation.

§ 164.39 Additional equipment: vessels of 35,000 or more gross tons.

Each vessel of 35,000 or more gross tons must have an illuminated rate of turn indicator in the pilot house.

§ 164.51 Deviations from rules: emergency.

(a) In an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

(b) When a person must continue to deviate from any rule in this part because of an emergency, he shall report the deviation or cause it to be reported to the nearest Captain of the Port or Coast Guard District Commander as soon as possible.

§ 164.53 Deviations from rules: other than emergency.

(a) Any person may deviate from any rule in this part when authorized by the Captain of the Port.

(b) The Captain of the Port may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for any voyage or part of a voyage or, if the vessel operates solely in waters under the jurisdiction of the Captain of the Port, for any continuing operation or period of time the Captain of the Port specifies.

§ 164.61 Marine casualty record retention.

When a vessel is involved in a marine casualty as defined in 46 CFR 4.03–1, the master or person in charge of the vessel shall:

(a) Ensure compliance with 46 CFR Subpart 4.05, "Notice of Marine Casualty and Voyage Records;" and

(b) Ensure that the voyage records required by 46 CFR 4.05–15 are retained for:

(1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

Dated: May 3, 1976.

R. I. PRICE,
U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.76-13209 Filed 5-5-76;8:45 am]

[33 CFR Part 164]

[CGD 76-025]

TUG ASSISTANCE IN CONFINED WATERS

Proposed Minimum Standards

The Coast Guard is considering amending Part 164 of Title 33, Code of Federal Regulations to require minimum standards for tug assistance for vessels operating in confined waters to reduce the potential for collisions, rammings, and groundings in these areas.

This advance notice of proposed rulemaking is being issued pursuant to the Coast Guard's policy of soliciting comments from the maritime industry in an

effort to identify a definite course of action and obtain data necessary for the promulgation of an effective regulation.

Interested persons are requested to assist the Coast Guard by submitting written comments, data, views, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/81), room 8117, U.S. Coast Guard, Washington, D.C. 20590. A participant in this rulemaking procedure should furnish comments, views, data, or arguments to the Coast Guard as soon as possible but no later than July 6, 1976. Copies of material received will be available for examination in room 8117. There is no public hearing contemplated at this time. If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued.

The proposed rules are intended to provide uniform guidance for the maritime industry and Captains of the Port for the use of tugs by vessels operating and maneuvering in confined waters and in docking and undocking. In the development of the requirements for these rules, the following are some of the factors to be considered:

a. Size of vessel,
b. Displacement,
c. Propulsion,
d. Availability of multiple screws or bow thrusters,
e. Controllability as measured by standard 20°/20° zig-zag maneuvers,
f. Type of cargo,
g. Availability of safety standards,
h. Actual or predicted adverse weather conditions.

Based on these and possibly other variables, we are considering establishing a "Factor Table" that would rate a vessel numerically. In conjunction with that, a "Tug Assistance Requirement Table" is being considered that would convert the vessel rating to a minimum tug requirement with additional consideration as to the port area being navigated. Where tugs would be referred to in numbers, a rating unit would have to be established such as a minimum rated bhp of available propulsive power.

Comments are specifically requested on the following areas of interest:

1. Should minimum requirements be set as to vessel size, gross tonnage? If so, what?

2. Should vessel propulsion be considered? If so, how?

3. To what extent should multiple screws or bow thrusters be considered?

4. Is controllability as measured by the standard 20°/20° zig-zag maneuvers a factor that should be considered? Is there another measure which would be more suitable in determining controllability?

5. For dangerous cargoes such as those specified in 33 CFR 124.14, what additional requirements should be established, if any?

6. Are there certain safety standards that could be considered to reduce the number of drugs to be required? If so, what are they and to what degree should they be considered?

7. Is there any need to consider adverse weather conditions or should it be left to the discretion of the Captain of the Port?

8. In attempting to categorize ports and their accesses, what standards if any, should be established for channel dimensions, bottom composition, bands, currents, piers, bridges or other impediments to navigation, amount and type of shipping? What other considerations?

9. For defining a tug unit, what minimum rated bhp should be used? Should some other minimum factor be used?

10. In some other alternative possible that would achieve the desired results?

Comments are welcome on these questions, as well as any other additional recommendation for implementing the objective of port and vessel safety.

This advance notice of proposed rulemaking is issued under the authority of sections 104 and 201(R.S. 4417a(3)) of the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424), as delegated in 49 CFR 1.46 (n) (4); section 311 (j) of the Federal Water Pollution Control Act, (Pub. L. 92–500, 86 Stat. 862, 33 U.S.C. 1321), as delegated in section 2 of E. O. 11735 (38 FR 21243) and 49 CFR 1.46(m); and the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4231, et seq.).

Dated: May 3, 1976.

R. I. PRICE,
Chief, Office of Marine Environment and Systems.

[FR Doc.76–13210 Filed 5–5–76;8:45 am]

[33 CFR Part 164]

[CGD 76–051]

MINIMUM NET BOTTOM CLEARANCE

Request for Comments

The Coast Guard is considering amending Part 164 to require the master of a vessel to ensure that there is a minimum net bottom clearance to prevent vessel damage and possible environmental harm.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or arguments as the they may desire to the Coast Guard (G–CMC/81), Washington, D.C. 20590. Each person submitting coments should identify the notice number (CGD 76–051) and the name, address and organization, if appropriate, of the commenter.

All comments received by July 6, 1976, will be fully considered and evaluated before taking action on the proposed rule. Copies of all written communications received will be available for examination by the public in room 8117, 400 Seventh Street, SW, Washington, D.C. The proposal contained in this notice may be changed in the light of comments received. If it is determined to be in the public interest to proceed further after consideration of the available date and comments received in response to this notice, a notice of proposed rulemaking will be issued.

Minimum net bottom clearance (also known as net underkeel clearance) is not a new concept. The Permanent International Association of Navigation Congresses, IInd International Oil Tankers Commission (1970–1974) in their paper "Big Tankers and their Reception" defined net underkeel clearance as "the minimal margin remaining under the keel of the vessel moving at planned passage speed under the action of the most severe planned (anticipated) tolerable wind and wave conditions." This organization has recommended 1 meter as the net underkeel clearance for rocky bottoms and 0.5 meter for sandy bottoms.

This notice proposes that there be established a minimum net bottom clearance for vessels coming into U.S. ports similar to the net underkeel clearance required in various foreign ports. The Coast Guard is seeking information to help develop reasonable requirements or factors that should be considered in the development of practical requirements. Factors under consideration which can diminish the at-rest bottom clearance under actual operating conditions include water level, water density, squat, trim, list and wave action.

Comments are specifically requested on the following:

1. What should be the minimum net bottom clearance?

2. What should be the clearance where the nature of the bed is such as to be capable of rupturing a vessel's bottom?

3. Is there any definition of channel depth other than the latest information published by the United States Government which can be reliably and consistently used?

4. Would an overall specification of permissable depth draft ratio be preferable to the categorized approach set forth in the foregoing?

5. Should vessels with complete double bottom integrity, not containing pollutants within the double bottoms, be permitted to operate with less net bottom clearance than other vessels not so equipped? If so, what should the net bottom clearances be?

Comments are welcome on these questions and suggestions, as well as any adidtional recommendation concerning minimum net bottom clearance.

(Sec. 311 (j) (1), 86 Stat. 8662 (33 U.S.C. 1321 (j) (1)); sec. 201(3), 86 Stat. 427, as amended 46 U.S.C. 391a(3)); 49 CFR 1.46 (m) and (n) (4))

Dated: May 3, 1976.

R. I. PRICE,
Chief, Office of Marine Environment and Systems.

[FR Doc.76–13211 Filed 5–5–76;8:45 am]

federal register

THURSDAY, MAY 6, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

HOSPITAL POINT SOURCE CATEGORY

Effluent Limitations and Guidelines

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 534–6]

PART 460—HOSPITAL POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 460—hospital point source category and will be applicable to existing sources for the hospital category (Subpart A) of the hospital point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; P.L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources for the hospital point source category (Subpart A).

(a) Legal authority. (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the hospital category (Subpart A) of the hospital point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the hospital category (Subpart A) of the hospital point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for new sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, wastewater constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and wastewaters in the operation and the constituents of all wastewater. The constituents of the wastewaters which should be subject to effluent limitations were identified.

The control and treatment technologies existing were identified. This included an identification of distinct control and treatment technologies, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of the technologies. The problems, limitations and reliability of treatment and control technologies were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of the control and treatment technologies were determined as well as the cost of the application of such technologies.

The information, as outlined above, was evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data for the analyses were obtained from many sources including EPA permit applications, EPA sampling and inspections, consultant reports, hospital submissions, and industry associations.

(2) Summary of conclusions with respect to the hospital industry category (Subpart A) of the hospital industry point source category.

(i) Categorization. For the purpose of establishing effluent limitations, guidelines and standards, the hospital point source category was not divided into subcategories. The reason is that, unlike effluent from manufacturing operations, the wastes from hospitals are essentially domestic wastes no matter what type of facility is generating the wastes. The major contributions to the effluent are sanitary wastes, cafeteria wastes, laundry effluent and laboratory wastes. Factors such as raw waste loads, water requirements, treatability of wastewaters, and other means were used to establish effluent limitations, guidelines and stand-

ards of performance for this category. Hence, this broad categorization scheme simplifies the application of effluent limitations and guidelines for a complex mix of hospital activity.

(ii) Waste characteristics. The significant wastewater pollutants and pollutant properties identified in the effluent from facilities in the hospital point source category include pH, total suspended solids, BOD5, COD, TOC and metals.

(iii) Origin of wastewater pollutants. Sources of wastewater pollutants in the hospital point source category include aqueous wastes from patient and staff sanitary waste, cafeteria, laboratory and laundry operations.

Pollutant parameters for the hospital point source category pertain to wastewaters from functional hospital activities. Wastewater pollutants are proportional to the level of patient loading. It was therefore possible to establish limitations and standards on the basis of occupied beds. Other pollutant sources within the hospital point source category include utilities and janitorial operations.

(iv) Treatment and control technology. Wastewater treatment and control technologies have been studied for this point source category to determine what is the best practicable control technology currently available.

The development document referenced herein gives a complete discussion of control and treatment technologies which were found to be applicable to this point source category. The regulations set forth today are based on that document and other sources. The regulations are derived from exemplary operations documented as to operation and control and to levels of treatment obtained in this industry over long periods of operation. The results of these exemplary operations are presented in the development document.

The variability observed in the operation of the exemplary treatment system in the hospital category is reflected by the data contained in the development document. The Agency possesses long term treatment data generated on a daily basis for this category. The variability factors for BOD for this industry are 2.2 for daily and 1.8 for monthly. These are based on use of 99/50 ratio of probability.

The Agency has found that both in-process control measures such as bleach regeneration, silver recovery, use of mercury captive devices, and more effective use of solid waste systems and end-of-pipe process treatment technologies are effective in reducing pollution from this category.

Good in-process control is a significant pollution abatement technique for the hospital point source category. Practices such as containment of mercury, barium salts and radionuclides until safe to release to the environment, monitoring wastewater, wastewater equalization, good housekeeping and equipment maintenance can be used effectively to eliminate or reduce the volume of wastewater requiring treatment.

Suspended solids may generally be removed by sedimentation basins, clarifiers, filters, centrifuges and evaporation. These treatment technologies can be used when combined with disposal of residue.

Solid waste control must be considered. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or nonhazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

Best practicable control technology requires disposal of the pollutants removed from wastewaters in this point source category in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of wastewater pollutants. Capital and annual costs were computed per 1,000 occupied beds. It was necessary to make some simplifying assumptions in order to determine costs on an occupancy basis. These assumptions are:

(1) That each hospital is a discrete plant whose wastewater is treated in a single end-of-process waste treatment system.

(2) That all wastewaters are treated by the model end-of-process system regardless of alternate disposal techniques and in-process changes, which may be chosen by any specific hospital.

Alternate disposal methods such as incineration or like processes are also commonly used for disposal of highly concentrated and difficult wastes. In any specific case, the hospital management can best determine the most attractive economic alternatives for in-process controls and end-of-process treatment which will meet the limitations required.

Cost information was obtained directly from the hospital industry, from engineering firms, equipment suppliers, government sources, and available literature. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, cost estimates have been developed from either hospital-supplied costs for similar waste treatment installations or general cost estimates for treatment technology by engineering firms in the business of designing and constructing such facilities.

(vi) Energy requirements and nonwater quality environmental impacts. The major nonwater quality consideration which may be associated with in-process control measures is the use of alternative means of ultimate disposal. As the process raw waste load (RWL) is reduced in volume, alternate disposal techniques may become feasible. Incineration is a viable alternative for concentrated waste streams. Associated air pollution and the need for auxiliary fuel, depending on the heating value of the waste, are considerations which must be evaluated on an individual basis for each use.

Other nonwater quality aspects, such as noise levels, will not be perceptibly affected. In the case of the hospital point source category, wastewater treatment plants should be located an appropriate distance from the hospital building(s) to minimize this factor.

Energy requirements associated with treatment and control technologies are not significant when compared to the total energy requirements for this category.

(vii) Economic and inflationary impact. Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has directed that all regulatory actions which are likely to result in (1) annualized costs of $100 million, (2) additional cost of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil a day will require certification. These prerequisites for requiring an inflationary impact analysis have not been met in this case, but the following is a summary of the economic impact study performed during the development of these regulations. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

The hospital point source category needs an investment of $54 million to meet the 1977 effluent limitations and an

additional $44 million to meet BATEA, causing a total investment of $98 million. The annual costs are $16 million for meeting the 1977 effluent limitations and an additional $11 million for meeting the 1983 effluent limitations, causing a total annual cost of $27 million. These internal costs consider that most of the direct dischargers are required by State law to have some secondary treatment in place for health reasons. Since hospitals are operated on a nonprofit basis, these internal costs must be passed on to the consumers of hospital service. The following chart shows the percent price increases caused by meeting the 1977 effluent limitations and the incremental percentage price increases caused by the 1983 effluent limitations.

Hospital bed size	1977 (percent)	1983 (percent)
50 to 99	0.8	0.5
100 to 199	.5	.3
200 to 299	.4	.3
300 to 399	.3	.2
400 to 499	.3	.2
500 or more	.4	.2

Due to the nonprofit status of most hospitals, the relatively small costs being incurred and the inelastic demand for hospital services, it is estimated that the economic impact is minimal. However, there may be specific cases where financing could be difficult. Comments or information regarding specific cases in which hospitals would have a difficult time financing the treatment facilities should be addressed to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Hospital Point Source Category" details the analysis undertaken in support of the interim final regulations set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at state water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim final form revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards of performance proposed for the hospital point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) U.S. Department of Health, Education, and Welfare, National Institutes of Health; (4) National Ecological Research Center; (5) National Association of Pharmaceutical Manufacturers; (6) Natural Resources Defense Council; (7) American Society of Civil Engineers; (8) Water Pollution Control Federation; (9) American Hospital Association; (10) U.S. Army Environmental Hygiene Agency; (11) American Pharmaceutical Association; (12) American Medical Association, Public Health Division; (13) U.S. Water Resources Council; and (14) U.S. Department of the Army.

The following responded with comments: U.S. Department of Defense; U.S. Department of Interior; North Carolina Department of Natural and Economic Resources; Effluent Standards and Water Quality Information Advisory Committee; Department of the Army; American Medical Association; American Hospital Association; and U.S. Department of Health, Education, and Welfare, National Institutes of Health.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) Several commenters questioned the validity of the contractor's study which is based on the limited number of hospitals considered from among the approximate 7,000 hospitals in the United States.

Of the 7,000 hospitals in the U.S., about 92 percent discharge to municipal treatment facilities. The limitations apply for the remaining 8 percent. On preliminary investigation, it was believed that hospital waste would look much like municipal waste. An investigation of research, private community and veterans hospitals confirmed this assumption. The waste is domestic waste from patients and staff, laundry waste, cafeteria waste and some laboratory waste and it was found by the EPA contractor that these waste parameters do not differ measurably from facility to facility.

(2) One commenter suggested that the nine Veterans Administration hospitals studied do not represent the typical private community hospital.

The raw waste loads for the Veterans Administration hospitals when compared to the available data for private community hospitals were very similar.

(3) One commenter felt that the average hospital size in the United States is a 70 bed hospital and the 165 to 1,460 bed range studied does not represent a true picture of the nation's hospitals.

The raw waste load per occupied bed in the data from the survey does not significantly vary for the full range of hospital sizes.

(4) One commenter felt that the staff size of the hospitals had been ignored and could be a significant parameter, especially in teaching and research hospitals.

The staff size was not ignored. In term of waste treatment design parameters and operational demands, no significant difference in the proportionate raw waste load appears to exist based on size, type, locations, etc., including the staff size.

(5) Several commenters felt that hospitals, because the raw waste loads were similar to municipal waste, should be required only to comply with present municipal regulations.

The Agency is requiring the hospital category point source to install treatment only slightly more sophisticated than is required of municipal dischargers. The slight increment is due to the need to effectively treat laboratory wastes.

(6) One commenter advised that many hospitals in urban and suburban areas do not have sufficient space for wastewater treatment plants. In these cases, it would be impossible or unreasonable for them to comply with a regulation that demanded construction of such a treatment plant.

Approximately 92 percent of the hospitals discharge their waste to municipal treatment systems. The Agency has found that almost all urban hospitals discharge to a municipal treatment system, and those that do not presently discharge in this way have the option of choosing this method rather than constructing a plant.

(7) The design treatment model (activated sludge) selection is questionable according to several commenters.

Activated sludge treatment is a well known, demonstrated pollution reduction method, for the wastes being regulated under these limitations. Most hospitals with their own treatment plants use basic biological treatment systems.

(8) One commenter indicated that the 1972 based cost estimates do not indicate today's cost.

All cost data were computed in terms of August 1972 dollars which corresponds to an Engineering News Records Index (ENR) value of 1870. The actual inflationary and econofic impact is being performed in another study which will be attached to the technical study. The economic study will use 1974 cost figures.

(9) One commenter felt there should be no pH limit for hospitals because of

the assimilative capacity of the receiving water.

These limitations are technology-based standards designed to take effect at the end of the pipe leading from the discharging facility.

(10) One commenter suggested that toxic or radioactive waste should be regulated along with those presently being proposed to be regulated.

The Agency intends to regulate these parameters as soon as possible, after further analytical and technological studies have been completed.

(11) The average wastewater generated per occupied bed (228 gallons) in the draft Development Document has been suggested to be low. That figure was based on number of beds rather than occupied beds. A figure of 350 gallons per occupied bed has been suggested by the commenter as the appropriate figure.

The American Hospital Association estimated 242 gallons per occupied bed. The best flow data available at this time is 319 gallons per occupied bed. This flow per occupied bed is in reasonable agreement with the suggested value of 350 gallons per occupied bed suggested by one of the commenters.

(12) One commenter suggested that all hospitals are unique and that determing the raw waste load using the number of occupied beds is invalid.

There is no data to support this suggestion. The data indicate that the waste loads are basically proportionate to the occupied beds.

(13) One commenter questioned the fact that alternatives to the use of chlorine for disinfection had not been considered. This conflicts with the EPA policy to limit chlorine concentration in treated sewage effluent.

Chlorine was included in the cost model because it is effective and generally less expensive than other disinfection techniques. The policy generally applies to sewage effluents that are discharged into water ways where commercial harvesting of sea products takes place. Chlorine disinfestion is not required by this regulation and, further, this regulation does not preclude imposition of local or state regulations which may require the disinfection of the effluent.

(14) One commenter stated that the Agency does not clearly state whether hospitals are to pretreat wastes discharged to municipal sewer systems.

The waste from hospitals is generally compatible with municipal treatment systems. In-house techniques, such as silver, barium and mercury collection, should be practiced.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this point source category no later than April 30, 1976. This order also requires that such regulations become effective immediately upon publication.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. § 553(b) that notice of the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of this point source category concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before June 7, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 460 is hereby established as set forth below.

Dated: April 30, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Hospital Category

Sec.
460.10 Applicability; description of the hospital category.
460.11 Specialized definitions.
460.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 360(b), 307 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et. seq.; Pub. L. 92–500) (the Act).

Subpart A—Hospital Category

§ 460.10 Applicability; description of the hospital category.

The provisions of this subpart are applicable to discharges resulting from the functional operations of the hospital point source category.

§ 460.11 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean service resulting from the hospital activity in terms of 1,000 occupied beds.

§ 460.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, processes, products produced, treatment technology available, energy requirements and costs) which can affect the categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain waste treatment plants in this point source category. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The

Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the hospital point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/1,000 occupied beds		
BOD_5	41.0	33.6
TSS	55.6	33.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 occupied beds		
BOD_5	90.4	74.0
TSS	122.4	74.5
pH	Within the range 6.0 to 9.0.	

[FR Doc.76-13249 Filed 5-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 460]

[FRL 534-7]

HOSPITAL POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 460 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the hospital point source category. The regulation proposed below will amend 40 CFR 460—hospital point source category by adding sections 460.13, 460.14, 460.15 and 460.16 to the hospital category (Subpart A) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the hospital point source category.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. Simultaneously with the appearance of proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the Part 460—hospital point source category and is in accordance with the provisions of section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the hospital point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 460.16 proposed below, provides pretreatment standards for new sources within the hospital category (Subpart A) of the hospital point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to propose pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the hospital category (Subpart A) of the hospital point source category at a future date.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources. The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the hospital point source category (Subpart A) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Section 460.14 of the regulation reserved below is intended to implement the intent of section 128.133, by setting forth specific limitations for particular pollutants subject to pretreatment requirements.

Questions were raised puring the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In gneeral, EPA believes the analyses supporting the effluent limitations and guidelines are adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the the application of effluent limitations and guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Hospital Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inpsection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these

documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the category being simulaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307(b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before June 7, 1976. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: April 30, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Hospital Category

Sec.
460.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
460.14 [Reserved]
460.15 Standards of performance for new sources.
460.16 Pretreatment standards for new sources.

AUTHORITY: Sec. 301, 304(b) and (c), 306(b), 307(b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et. seq.; Publ. L. 92-500) (the Act).

Subpart A—Hospital Category

§ 460.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the hospital category by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/1,000 occupied beds		
BOD5	19.4	16.9
TSS	18.2	16.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 occupied beds		
BOD5	42.6	37.2
TSS	39.9	37.2
pH	Within the range 6.0 to 9.0.	

§ 460.14 [Reserved]

§ 460.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the hospital category by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/1,000 occupied beds		
BOD5	19.4	16.9
TSS	18.2	16.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 occupied beds		
BOD5	42.6	37.2
TSS	39.9	37.2
pH	Within the range 6.0 to 9.0.	

§ 460.16 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a source within the hospital category which is a user of a publicly owned and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	100 mg/l.

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Title 10—Energy (Part 200–End) $4.90

Title 12—Banks and Banking (Parts 1–299) 11.00

Title 14—Aeronautics and Space (Parts 200–1199) 6.20

Title 15—Commerce and Foreign Trade 5.40

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