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# federal register

TUESDAY, MAY 18, 1976

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## List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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 |
| DOT/NHTSA | USDA/FNS | | DOT/NHTSA | USDA/FNS |
| DOT/FAA | USDA/REA | | DOT/FAA | USDA/REA |
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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# rules and regulations

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

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

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Miscellaneous Revocations

Subpart A of part 213 is amended to show that effective May 18, 1976, the following Schedule A authorities, having been superseded by Schedule A, § 213.3106(d)(1), are revoked.

§ 213.3107 Department of the Army.

(a) *General.*

(1) [Revoked]

* * * * *

§ 213.3108 Department of the Navy.

(a) *General.*

(1) [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.76–14376 Filed 5–17–76;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Assistant Secretary of Defense (Legislative Affairs) is excepted under Schedule C.

Effective on May 18, 1976, § 213.3306(a)(80) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(80) One Confidential Assistant to the Assistant Secretary of Defense (Legislative Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.76–14377 Filed 5–17–76;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant for Special Groups is reestablished under Schedule C.

Effective on May 18, 1976, § 213.3316(q)(4) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* * * *

(4) Three Special Assistants for Special Groups.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.76–14378 Filed 5–17–76;8:45 am]

## Title 7—Agriculture

### CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

#### Canned Solid-Pack Apricots Standards for Grades; Correction

In FR Docket 76–10383 published at page 15016 in the issue dated April 9, 1976 item number 4 Canned Solid-Pack Apricots is in error in its entirety and is corrected to read as follows:

4. Canned Solid-Pack Apricots. A. In § 52.6241 the product description is amended to conform to the Food and Drug Standard of Identity for canned solid-pack apricots as follows:

§ 52.6241 Product description.

"Canned solid-pack apricots" is the product represented as defined in the standards of identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act and prepared in one of the styles specified in § 52.6242 and is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

B. In § 52.6242(c) change the name of the style previously designated as "Mixed pieces of irregular sizes and shapes" to read "Pieces or irregular pieces."

Dated: May 12, 1976.

IRVING W. THOMAS,
*Acting Administrator.*

[FR Doc.76–14332 Filed 5–17–76;8:45 am]

### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

#### Commuted Traveltime Allowances

● The purpose of this document is to publish commuted traveltime established for agricultural inspection service. ●

This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 10, 1976 (41 FR 5804), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

The following entry is added to the table in 7 CFR 354.2:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

*Commuted traveltime allowances (in hours)*

| Location covered | Served from— | Metropolitan area | |
|---|---|---|---|
| | | Within | Outside |
| Delete: | | | |
| * * * * * | | | |
| Iowa: | | | |
| Des Moines | Chicago, Ill | | 6 |
| Kentucky: | | | |
| Louisville | Cleveland or Toledo, Ohio | | 5 |
| North Carolina: | | | |
| Elizabeth City | Norfolk, Va | | 3 |
| Tennessee: | | | |
| Knoxville | Atlanta, Ga | | 4 |
| Nashville | Memphis | | 6 |
| * * * * * | | | |
| Add in alphabetical order: | | | |
| * * * * * | | | |
| Illinois: | | | |
| Peoria | Princeton | | 3 |
| Do | Watseka | | 5 |

| Location covered | Served from— | Metropolitan area | |
|---|---|---|---|
| | | Within | Outside |
| Indiana: | | | |
| Port of Gary | Hanna | | 2 |
| Kentucky: | | | |
| Fort Campbell | Brentwood, Tenn. | | 4 |
| New Hampshire: | | | |
| Newington | Portland, Maine. | | 3 |
| North Carolina: | | | |
| Elizabeth City | | 1 | |
| Do | New Bern | | 5 |
| Pope AFB | Fayetteville | | 2 |
| Seymour Johnson AFB. | Goldsboro | | 2 |
| Puerto Rico: | | | |
| Aguadilla | Mayaguez | | 2 |
| Aguirre | Ponce | | 2 |
| Borinquen Field | Mayaguez | | 2 |
| Fajardo | | 1 | |
| Guanica | Mayaguez | | 2 |
| Guayama | Ponce | | 2 |
| Guayanilla | do | | 2 |
| Mayaguez and El Mani Airport. | | 1 | |
| Ponce and Mercedita Airport. | | 1 | |
| Roosevelt Roads | Fajardo | | 2 |
| Tallaboa (Penuelas). | Ponce | | 2 |
| Yabucoa | Fajardo | | 4 |
| South Carolina: | | | |
| Columbia | | 1 | |
| Greenville-Spartanburg. | | 1 | |
| Myrtle Beach AFB. | Conway | | 1 |
| McEntire NG Air Base. | Columbia | | 2 |
| Shaw AFB | Columbia and Florence. | | 2 |
| Tennessee: | | | |
| Knoxville | | 1 | |
| Undesignated Ports. | Brentwood | | 3 |
| Do | Knoxville and Pulaski. | | 4 |

* * * * *

(64 Stat. 561; (7 U.S.C. 2260).)

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendment shall become effective May 18, 1976.

Done at Washington, D.C., this 12th day of May 1976.

JAMES O. LEE, JR.,
*Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.*

[FR Doc.76-14374 Filed 5-17-76;8:45 am]

## CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

### PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

### Effective Date of Reconstitutions

On March 26, 1976, there was published in the FEDERAL REGISTER (41 FR 12690) a notice proposing to amend the rules concerning the effective date of reconstitution for allotment crops. The purpose of the proposed amendment was set forth in the notice. Interested parties were given the opportunity to submit, not later than April 26, 1976, comments on the proposal.

No comments were received pursuant to the notice, and the amendment, as so proposed, is hereby adopted without change. The amended subparagraph 719.7(b)(1) of the reconstitution regulations, 7 CFR Part 719, is set forth below.

*Effective date:* This amendment shall become effective on May 18, 1976.

Signed at Washington, D.C., on May 7, 1976.

KENNETH E. FRICK,
*Administrator, Agricultural Stabilization and Conservation Service.*

**§ 719.7 Reconstitution of farm allotments and history acreages.**

* * * * *

(b) * * *

(1) *Allotment crops.* (i) The reconstitution shall be effective for an allotment crop for the current program year if such reconstitution is initiated before such crop is or would have been planted.

(ii) The reconstitution shall be effective for an allotment crop for the current program year (1) if such reconstitution is initiated after such crop has been or would have been planted, and (2) if there was a bona fide change in operation before the planting period; the land involved is owned by one person; and the reconstitution would have been required under this part had the facts been known by the county committee before the planting period: *Provided, however,* That where the change in operation was solely the addition of one or more operators, the reconstitution shall not be effective for the current program year if the county committee determines that an adverse effect to the program will result.

(iii) The reconstitution may be made effective for the current program year after the crop has been or would have been planted if the county committee determines that no adverse effect to the program will result and the farm owner(s) and operator(s) agree to make the reconstitution effective for such year.

[FR Doc.76-14205 Filed 5-17-76;8:45 am]

## PART 730—RICE

### Subpart—1976-77 Marketing Year Miscellaneous Amendments

The provisions of §§ 730.1501 to 730.1505 of Title 7 of the Code of Federal Regulations are issued pursuant to sections 301, 352, 353, 354 and 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"). Pub. L. 94-214, 90 Stat. 181, approved February 16, 1976, entitled the "Rice Production Act of 1975", amended sections 352, 353, and 354 of the act.

Pub. L. 94-214 suspended section 354 of the act with respect to the 1976 and 1977 crops of rice. This section provided the authority for proclamation of rice marketing quotas. With the suspension of this section, marketing quotas shall not be in effect for the 1976 and 1977 crops of rice. In addition, Pub. L. 94-214 amended section 352 of the act and suspended section 353 with respect to the 1976 and 1977 crops of rice. These sections provided a formula for the calculation of the national rice acreage allotment and directives for apportionment of the national allotment to States and to counties, and permitted the Secretary to withhold up to one percent of the national acreage allotment for use in adjustments and corrections. As provided in Pub. L. 94-214, the national rice acreage allotment for 1976 and 1977 is 1,800,000 acres, to be apportioned to farms and producers on the basis of allotments established for the 1975 crop of rice. State committees may reserve up to one percent of the allotment apportioned within their State for new growers and for adjustments and corrections. These amendments require changes in the earlier determinations and proclamations with respect to §§ 730.1501 to 730.1505.

Since planting of the 1976 crop of rice has begun and planting plans will need to be adjusted to utilize the acreage allotment, it is of the utmost importance that farmers be notified of their 1976 producer and farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public procedure, and 30 day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to public interest. Accordingly, these amendments shall become effective upon filing with the Director, Office of Federal Register.

Sections 730.1501 to 730.1505 are hereby amended with respect to the 1976 crop of rice to read as follows:

**§ 730.1501 [Removed]**

1. § 730.1501 is deleted.

2. § 730.1502 is revised to read as follows:

**§ 730.1502 National acreage allotment of rice for 1976.**

The national acreage allotment for the 1976 crop of rice shall be 1,800,000 acres.

3. § 703.1503 is revised to read as follows:

**§ 730.1503 Apportionment of the 1976 national acreage allotment of rice to farms and producers.**

The national acreage allotment for the 1976 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice. The allotment so apportioned within each of the several rice producing States is as follows:

| State: | *Acres* |
|---|---|
| Arizona | 3 |
| Arkansas | 434,630 |
| California | 326,568 |
| Florida | 1,012 |
| Louisiana: | |
| Farm Administrative Area | 499,316 |
| Producer Administrative Area | 18,473 |
| State Total | 517,789 |
| Mississippi | 50,849 |
| Missouri | 5,185 |
| North Carolina | 41 |
| Oklahoma | 163 |
| South Carolina | 3,009 |

| State: | Acres |
|---|---|
| Tennessee | 563 |
| Texas | 460,188 |
| Total United States | 1,800,000 |

4. § 703.1504 is revised to read as follows:

**§ 730.1504 State reserve acreages.**

The State reserve acreages set forth in the table in this section were established by the State Committees in accordance with section 353 of the act, as amended.

| State: | Reserve [1] |
|---|---|
| Arizona | 0 |
| Arkansas | 0 |
| California | 50 |
| Florida | 10 |
| Louisiana | |
| Farm Administrative Area | 0 |
| Producer Administrative Area | 0 |
| Mississippi | 175 |
| Missouri | 0 |
| North Carolina | 0 |
| Oklahoma | 0 |
| South Carolina | 0 |
| Tennessee | 0 |
| Texas | 50 |

[1] State reserve for new growers, corrections and adjustments.

**§ 730.1505 [Removed]**

5. § 730.1505 is deleted.

(Sec. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66 as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375).

Effective date: These amendments are effective on May 17, 1976.

Signed at Washington, D.C. on: May 12, 1976.

EARL L. BUTZ,
*Secretary.*

[FR Doc.76-14365 Filed 5-17-76;8:45 am]

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

[Lemon Regulation 38, Amendment 1]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 9–15, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 38 (41 FR 18805). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, 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 rulemaking procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.338 (Lemon Regulation 38 (41 FR 18805) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 9, 1976 through May 15, 1976, is hereby fixed at 300,000 cartons."

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

Dated: May 12, 1976.

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

[FR Doc.76-14373 Filed 5-17-76;8:45 am]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.4]

### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

## PART 1822—RURAL HOUSING LOANS AND GRANTS

### Farm Labor Housing Loan Policies, Procedures and Authorizations

On page 58151 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise §§ 1822.72 and 1822.73 of Subpart C of Part 1822, Title 7, Code of Federal Regulations (31 FR 14148) to eliminate requirements that County Committees certify eligibility of Labor Housing loan applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revisions. No unfavorable comments have been received and as a result the proposed revisions are hereby adopted without change and set forth below:

Sections 1822.72(c) and 1822.73(b)(1) as revised read as follows:

**§ 1822.72 Final preparation and processing of loan docket.**

* * * * *

(c) *County Committee certification.* County Committees will not be used to review Labor Housing loan applications.

* * * * *

Section 1822.73(b)(1) is removed as follows:

**§ 1822.73 Loan approval.**

* * * * *

(b) *Loan approval official's responsibility.*

* * * * *

(1) [Removed]

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

*Effective date.* These revisions shall become effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, Jr.,
*Acting Administrator, Farmers Home Administration.*

[FR Doc.76-14106 Filed 5-17-76;8:45 am]

[FmHA Instruction 444.6]

## PART 1822—RURAL HOUSING LOANS AND GRANTS

### Farm Labor Housing Grant Policies, Procedures and Authorizations

On page 58151 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise § 1822.218 of Subpart E of Part 1822, Title 7, Code of Federal Regulations (35 FR 14437) to eliminate the requirement that County Committees certify eligibility of Labor Housing grant applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision. No unfavorable comments have been received and as a result the proposed revision is hereby adopted without change and set forth below:

Section 1822.218(b) as revised reads as follows:

**§ 1822.218 Actions prior to grant approval.**

* * * * *

(b) *County Committee certification.* County Committees will not be used to review labor housing grant applications.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development 7 CFR 270.)

*Effective date.* This revision shall be effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, Jr.,
*Acting Administrator,*
*Farmers Home Administration.*

[FR Doc.76-14107 Filed 5-17-76;8:45 am]

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[FmHA Instruction 444.8]

## PART 1822—RURAL HOUSING LOANS AND GRANTS

### Rural Housing Site Loan Policies, Procedures, and Authorizations

On page 58151 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise § 1822.271 of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) to eliminate the requirement in paragraph (d) (2) of this section that County Committees certify eligibility of Rural Housing Site loan applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision. No unfavorable comments have been received. However, as the result of miscellaneous changes published at 41 FR 7487 dated February 19, 1976, for the purpose of changing certain forms that will be used by Administrative personnel in obligating funds and to change the method of obligating funds for Rural Housing Site loans, a revised § 1822.271 (d) (3) was promulgated. It is intended that the following adoption provide that County Commitees are not to be used to review Rural Housing Site loan applications, therefore, § 1822.271(d) as proposed at 40 FR 58151 and as revised at 41 FR 7487 reads as follows:

§ 1822.271 **Processing applications.**

* * * * *

(d) *Preparation of docket forms.* (1) *Request for obligation of funds.* Form FmHA 440-1, "Request for Obligation of Funds," will be completed in accordance with guidelines for preparing this Form available at any FmHA office.

(2) *Fund analysis.* Form FmHA 444-5. "Multiple Housing Fund Analysis," will be completed in accordance with guidelines for preparing this Form available at any FmHA office. Items 1, 2, and 3 of Part I of the form will be left blank, with items 4 through 10 being completed when appropriate.

(3) *County Committee certification.* County Committees will not be used to review RHS loan applications.

(4) [Removed]

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270.)

*Effective date.* These revisions shall become effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, Jr.,
*Acting Administrator,*
*Farmers Home Administration.*

[FR Doc.76-14108 Filed 5-17-76;8:45 am]

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Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

### Revocation of Special Rule No. 6 and Adjustment to Small Refiner Bias Under Entitlements Program

On February 28, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 9391; March 4, 1976), to amend Title 10, Part 211, of the Code of Federal Regulations with respect to the domestic crude oil allocation or entitlements program (hereinafter referred to as the "entitlements program") set forth at 10 CFR 211.67. Comments on the proposed amendments were invited through March 24, 1976 and 96 written comments were received by FEA. Public hearings were held on March 23 and 24 at which 30 persons presented statements.

In this proposal, FEA specifically requested comments on the validity of its tentative determinations that the exemption from payments under the entitlements program for certain small refiners as provided in subsection 4(e) of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended by the Energy Policy and Conservation Act ("EPCA"), and as implemented by Special Rule No. 6 in the Appendix to Subpart C, Part 211 of Title 10, Code of Federal Regulations, seriously impairs FEA's ability to attain the objectives set forth in section 4(b)(1) of the EPAA, and results in an unfair economic or competitive advantage for certain small refiners with respect to other small refiners. FEA further invited comments on whether all small refiners including sellers and purchasers under the entitlements program should receive increased benefits by means of an adjustment to the small refiner bias and whether small refiners with a capacity of less than 10,000 barrels per day should be fully exempted. Finally, FEA solicited comments on the procedures for granting exception relief under the entitlements program and whether exception decisions should be made effective for longer periods.

FEA received numerous comments from all sectors of the petroleum industry including major and small and independent refiners, trade associations, branded and non-branded independent jobbers and others concerning the proposed amendments. FEA is satisfied that the comments received fairly represent the broad range of interests which would be affected by any such changes in the benefits received by small refiners under the entitlements program.

The amendments adopted herein would eliminate the purchase exemption for certain small refiners by revoking Special Rule No. 6 and would increase the amount of additional entitlements issuable to all small refiners (whether entitlement purchasers or sellers) under the small refiner bias. These amendments will not become effective, however, if disapproved by either House of Congress under the procedures set forth in section 551 of the EPCA.

ADJUSTMENT TO THE SMALL REFINER BIAS

In conjunction with its modification of the small refiner entitlement purchase exemption discussed below by the revocation of Special Rule No. 6, FEA is hereby adopting an adjustment to the small refiner bias that increases the number of additional entitlements provided for all small refiners. In the proposal, FEA specifically invited comments as to whether the amendment adopted in this proceeding should simply increase the amount of the small refiner bias for all small refiners, which would place all small refiners on the same competitive basis under the entitlements program. At the public hearing and in the written comments on the proposal numerous small refiners, both entitlement purchasers and sellers, supported this approach and the overwhelming majority also supported an increase in the small refiner bias for both sellers and purchasers. The unanimous view expressed in this regard was that it was inequitable to favor one class of small refiners over another as far as benefits under the entitlements program are concerned.

FEA's analysis of this issue indicates that an increase in the small refiner bias in conjunction with the revocation of Special Rule No. 6 has greater merit than any other alternative course of action available to the Agency as to the overall status of small refiners under the entitlements program. This approach both eliminates any special treatment afforded to small refiner entitlement purchasers and comports more fully with the general concern as to the competitive viability of small refiners expressed throughout the EPAA and the EPCA.

FEA initially adopted the small refiner bias after a significant amount of analysis and public comment on the issue when the entitlements program was instituted in late 1974. At that time FEA determined that the historical preference granted to small refiners under the oil import program as in effect in 1972 was sufficient to preserve the competitive viability of this class. However, over the first year in which the program was in effect FEA received substantial evidence that the amount of the bias may in fact not be adequate for its intended purpose. For example, a large number of small refiners have been forced to seek exception relief since, for these firms, bias amounts were not sufficient to enable them to compete effectively or even in certain cases to maintain their financial viability. Due to the more restrictive exception standards for entitlement sellers as opposed to entitlement purchasers, FEA has received numerous indications that many small refiner entitlement sellers are also in need of additional bias amounts to remain competitive and financially viable. Many operating and other costs for these firms have increased since 1972, and thus the bias amounts may not be representative of the current competitive disadvantages of this class and the industry may have generally be-

come more competitive due to increased consumer sensitivity to the higher prices.

In addition, FEA is basing its determination to increase the small refiner bias to a significant extent on the congressional concern for small refiners expressed generally, both in sections 403 and 455 of the EPCA and in the legislative history connected with the passage of the EPCA.

Therefore, FEA is hereby adopting an increase to the small refiner bias on the following basis, in conjunction with the revocation of the small refiner exemption. The small refiner bias would be modified for firms with volumes of crude oil runs to stills of less than 100,000 barrels per day by increasing the benefits at the 10,000 barrel per day crude run level by an additional 2¢ per gallon and by a declining additional amount as the refiner's volume of crude oil runs increases. At the 100,000 and up barrel per day run level, no increase over the present bias amounts is provided for. These additional benefits are expressed in terms of incremental entitlements that would be issued to small refiners based on their crude run levels. For example, a 10,000 barrel per day refiner under the bias presently in effect receives 123.8 additional entitlements for each 1,000 barrels of its crude runs up to 10,000 barrels per day; under the revised bias set forth herein such a small refiner would receive an additional 228.8 entitlements for each such 1,000 barrels per day of his crude runs, or an increase of 105 entitlements. Under the revised bias, FEA estimates that a refiner running 10,000 barrels per day will receive total benefits approximating 4.4 cents per gallon; a refiner running 30,000 barrels per day, 2 cents per gallon; a refiner running 50,000 barrels per day, .8 cents per gallon; and a refiner running 100,000 barrels per day, .24 cents per gallon, which latter amount is the same amount receivable under the bias currently in effect.

### Revocation of Special Rule No. 6

Authority for the small refiner purchase exemption implemented by Special Rule No. 6 and the revocation thereof adopted herein is granted to FEA pursuant to sections 403(a) and 455 of the EPCA. Section 455 of the EPCA amends the EPAA by adding a new section 12 (g) which provides that:

> (g) Notwithstanding the provisions of subsection (e) of section 4, the President may, if he determines that the exemption from payments for certain small refiners required by such subsection—
>
> (1) Results in unfair economic or competitive advantage with respect to other small refiners; or
>
> (2) Otherwise has the effect of seriously impairing the President's ability to provide in the regulation under section 4(a) for the attainment of the objective specified in section 4(b)(1)(D) and for the attainment of those other objectives specified in section 4(b)(1);
>
> submit, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to modify the regulation under section 4(a) with respect to the provisions of such regulation as they relate to such exemption. Such amendment shall not take effect if disapproved by either House of Congress under the procedures specified in such section 551.

On the basis of its preliminary findings and analysis of the competitive benefits accruing to exempted small refiners, FEA indicated in the February 28 proposal its tentative conclusion that any crude cost advantage accruing to a small refiner entitlement purchaser exceeding one cent per gallon would constitute an unfair economic or competitive advantage within the meaning of section 12(g) of the EPAA. Thus, an increase in the small refiner's bias was proposed by FEA which would have limited permitted crude cost benefits flowing from that adjustment to one cent per gallon over and above the amounts received under the small refiner bias if the small refiner exemption were also revoked.

In the proposal, FEA set forth the range of benefits accruing to small refiners from the operation of the exemption for the months October through December 1975. The crude cost advantages received by small refiners under the exemption during that period ranged as high as 10 cents per gallon, and in some isolated cases higher and monthly benefits from the exemption were in excess of $4,000,000 in one instance. Benefits of this magnitude were also received by exempted firms for the months January and February 1976.

The following table shows for the months April through September 1975 during which Special Rule No. 6 was not in effect the number of small refiner entitlement purchasers that applied to FEA's Office of Exceptions and Appeals for relief from entitlement purchase requirements.

Entitlement Exception Relief for April Through September 1975

| | Totally exempted[1] | Partially exempted[1] |
|---|---|---|
| Number of applicants for relief for April to September 1975 | 42 | 4 |
| Number of firms receiving total relief | 16 | |
| Number of firms receiving partial relief | 10 | |

[1] If a firm was partially exempted in any month it is counted in the partially exempted column.

Thus, it may be fairly assumed that of the total number of small refiner entitlement purchasers which have received benefits from the exemption, only 26 of these small refiners were found to be operating at below their historical level of return on sales as a result of the requirement to purchase entitlements, so as to warrant the grant of exception relief.

### Impact on Competition

Information currently available to FEA suggests that the exemption as implemented by Special Rule No. 6 is resulting in unfair competitive advantages in favor of exempted small refiners over other small refiners. Comments from small refiner sellers of entitlements and marketers supplied by such refiners cited severe price disparities as against exempted small refiner entitlement purchasers with which they have been competing directly. They stated that under Special Rule No. 6, the market shares of exempted small refiners and marketers supplied by them were tending to increase as a result of benefits conferred by the exemption. A large number of those commenting supported FEA's preliminary conclusions that competitive imbalances among competing small refiners are occurring and that the continuation of exemption benefits to the class of exempted small refiner entitlement purchasers will inevitably contribute to further competitive distortions among small refiners generally. Some small refiners benefitting from the exemption having access primarily to upper tier domestic supplies advocated limitation of the exemption because competitive disadvantages were being experienced when such firms compete with other exempted small refiners having access to primarily lower tier oil. Other small refiners argued that an exemption operating in favor of only some small refiners constitutes unwarranted preferential treatment among all small refiners and impacts unfavorably upon all other refiners. While a significant number of small refiners commenting advocated granting additional benefits to small refiner entitlement sellers, these refiners uniformly opposed any exemption which benefited any single group within the class of small refiners.

Many of the comments stated that the full exemption provided by Special Rule No. 6 is having effects in the marketplace which are inconsistent with the EPAA objective in section 4(b)(1)(D) of fostering an economically sound and competitive petroleum industry. In addition, FEA has determined that the current exemption constitutes a serious impediment to the attainment of the EPAA's objectives in that section for the preservation of the competitive viability of various sectors of the petroleum industry including small refiners, their marketers and branded independent marketers. Comments from branded independent marketers were generally to the effect that marketing outlets of exempted small refiners with which they compete were substantially undercutting retail gasoline and distillate prices and thereby are creating competitive distortions in the marketplace. They stated that the impact of an exemption is exaggerated in the context of a highly competitive retail market caused by increased consumer sensitivity to price and an abundance of supplies. Many branded retailers which compete directly with exempted small refiners marketing at the retail level alleged that they are unable to withstand the competitive pressures being exerted by such small refiners.

Branded independent marketers, and the national and regional associations representing them, cited substantial competitive difficulties attributable to the exemption, and advocated its complete elimination. In this regard, branded marketers were uniformly supported by

their major oil company suppliers. These firms voiced their concern that the market shares of independent branded marketers and major oil companies in general are being reduced. Their comments also recognized that increased price sensitivity of the consumer, the softness of the product market, the imposition of lower cost marketing techniques and the competitive impact of offering self-service rather than full service gasoline retail sales were also significant factors contributing to changes in market share. Many firms commenting cited the overall negative impacts being exerted on their marketing operations and indicated that the additional unfavorable impact of granting exemption benefits to competitors is unnecessary and a serious intervention in the operations of the market. Comments were submitted which suggested that the average price differential between major brand and independent brand gasoline varied on a regional basis and that an independent brand advantage was evidenced with such advantage being largest in the areas where small refiner entitlement purchasers in competition with major brands have been exempted by Special Rule No. 6.

Groups representing branded jobbers stated that, while many independent branded marketers do not compete directly with exempted small refiners, in those areas where a marketer has to compete with a small refiner, the marketer is faced with a significant competitive disadvantage and small refiners have in fact expanded their market share in these areas because of their ability to undercut substantially branded prices. Such groups suggested that the exemption be eliminated entirely and that relief where appropriate be given on an equitable basis to small refiners by means of FEA's exceptions procedures. Short of complete elimination of the exemption, these firms indicated support for FEA's one cent per gallon limitation as proposed.

### Impact on Market

FEA has also determined that continuation of the full exemption constitutes unnecessary interference with market mechanisms and seriously inhibits FEA's ability to provide for the minimization of economic distortion and inflexibilities in the petroleum market under section 4(b)(1)(I) of the EPAA. Many comments maintained that where the impact of the exemption is felt it seriously distorts the economics of the market affected by providing benefits in the form of substantial crude cost advantages to one marketing entity over another. Small refiners benefitting from the exemption rebutted this by arguing that the full exemption provided by Special Rule No. 6 is not interfering with market mechanisms because of the insignificant market share of such firms. Furthermore, they stated that they lack the flexibility to alter refining procedures or crude input to exploit any such competitive advantage. Such firms believe that their limited volume and type of products reduces the competitive influence that such small firms can have in the marketplace.

Numerous other small refiners, however, indicated in their comments that the exemption provides preferential benefits to small refiner purchasers to the detriment of small refiner sellers of entitlements. This is particularly evident in cases where such small refiners are in direct competition. Many argued for adjustments to the bias to provide additional benefits to all small refiners. Absent this type of adjustment, there was a substantial amount of support for FEA's proposed one cent per gallon crude cost differential limitation on the exemption to ease the substantial competitive imbalances that are occurring among small refiners.

Most major companies advocated a complete elimination of the exemption, stating that the class of small refiners as a whole is currently at a competitive advantage and that the granting to some small refiners additional benefits is excessive. While most of these firms opposed the exemption many agreed that the one cent per gallon differential proposed by FEA would limit to a substantial degree the market distortions arising from the full exemption.

FEA has determined that the substantial crude cost benefits granted to some firms by application of the full exemption contribute to disparities in prices among sectors of the industry thus impairing the Agency's ability to provide for equitable prices among sectors of the petroleum industry as contemplated by section 4(b)(1)(F). In addition, the substantial artificial crude cost advantages provided by the exemption may also tend to discourage economic efficiency in a general sense within certain sectors of the industry where the full benefits are in excess of the actual need, since uneconomic refineries would be enabled to continue in operation by virtue of the exemption. Thus, retention of the exemption would run counter to the objective provided for by section 4(b)(1)(H) of the EPAA.

### Disincentives To Maximize Crude Runs and To Expand Capacity

In the public comment and hearing procedures, a number of firms stated that the small refiner purchase exemption as implemented by Special Rule No. 6 provided a strong disincentive to expansion of a small refiner beneficiary's refining capacity over the 100,000 barrels per day limit. In addition, since the first 50,000 barrels per day of a refiner's crude runs are exempted from entitlement purchase obligations under Special Rule No. 6, a similar disincentive exists to maximize crude runs above the 50,000 barrel per day level. FEA believes that these disincentives are contrary to the objective of "economic efficiency" set forth in section 4(b)(1)(H) of the EPAA and also run counter to the objective provided for in section 4(b)(1)(I) of "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

### Agency's Determinations as to Small Refiner Entitlement Purchase Exemption

On the basis of the foregoing, FEA has determined pursuant to section 12(g) of the EPAA that the small refiner exemption from purchasing entitlements as currently implemented by Special Rule No. 6 under section 4(e) of the EPAA is resulting in unfair competitive advantages among small refiners and is seriously inmpairing FEA's ability to attain the objective set forth in section 4(b)(1)(D) of providing for "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;" the objective set forth in section 4(b)(1)(F) of providing for "equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;" the objective set forth in section 4(b)(1)(H) of providing for "economic efficiency;" and the objective set forth in section 4(b)(1)(I) of providing for "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

### Modification of Exception Procedures

In the proposal FEA also requested comments as to the manner in which FEA's exceptions procedures with respect to the entitlements program should operate in the future. Specific comments were invited as to whether exception decisions should be made effective for longer periods than have normally been provided for by FEA and as to whether any other specific procedures relating to the filing of an exception application should be facilitated.

FEA received numerous comments on these issues and has determined in conjunction with the amendments adopted hereby to provide that, except in unusual and extenuating circumstances, exception decisions under the entitlements program would be effective for a six-month period. This contrasts with FEA's practice in the past of providing for exception relief for two and three month periods. In addition, FEA is continuing its review of the standards which will apply in its exception decisions and the types of information required to be submitted by applicants, with a view to requiring the minimum amount of information needed in order to properly evaluate exception applications.

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

In consideration of the foregoing Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective upon expiration of the fifteen day review period under section 551 of the EPCA, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., May 12, 1976.

MICHAEL F. BUTLER,
*General Counsel.*

1. Section 211.67(e) is revised to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(e) *Small refiner bias.* (1) In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitation set forth in paragraph (e)(2) below, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued the following number of additional entitlements for each day of that month: (i) For each small refiner with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels, 1,258 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by 16.7733; (ii) for each small refiner with a daily average volume of crude oil runs to stills of 50,000 to 100,000 barrels, 2,079 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 50 by 16.42; (iii) for each small refiner with a daily average volume of crude oil runs to stills of 30,000 to 50,000, 3,123 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by 52.2; (iv) for each small refiner with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels, 2,288 entitlements plus the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 10 by 41.75; and (v) for each small refiner with a daily average volume of crude oil runs to stills of zero to 10,000 barrels, 228.8 entitlements for each 1,000 barrels of that small refiner's daily average volume of crude oil runs to stills.

(2) No entitlements shall be issuable under paragraph (e)(1) above with respect to any volume of a small refiner's crude oil runs to stills attributable to a processing agreement for the account of that small refiner with another refiner where the crude oil processed pursuant to that processing agreement is purchased from and the refined products produced under that agreement are sold, directly or indirectly, to that other refiner.

(3) Each small refiner shall separately identify in its reports filed pursuant to § 211.66(h) of this subpart any volumes of its crude oil runs to stills not eligible (under the provisions of paragraph (e)(2) of this section) for small refiner bias entitlements.

* * * * *

2. Special Rule No. 6 in the Appendix to Subpart C of Part 211 is revoked.

APPENDIX

Special Rule No. 6 [Revoked].

[FR Doc.76-14331 Filed 5-13-76;10:02 am]

## Title 12—Banks and Banking

## CHAPTER II—FEDERAL RESERVE SYSTEM

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R-0036]

### PART 226—TRUTH IN LENDING

### Descriptions of Transactions

By separate order of even date the Board has proposed amendments to § 226.7(b)(1)(ii) of Regulation Z for comment. These proposed amendments, should they be finally adopted, would change and clarify the requirements for identifying transactions reflected on open end credit periodic statements.

Because of the uncertainty which may be engendered by the pendency of that amendatory process and to provide enough time to receive and evaluate public comment on that proposal, the July 1, 1976, beginning date for the transition period provided in § 226.7(b)(1)(ii)(E)(2) and the ending date for the transition period provided in § 226.7(b)(1)(ii)(E)(3) must be suspended. This is done herein without repealing or rescinding the entire § 226.7(b)(1)(ii). Consequently, the requirements currently imposed by § 226.7(b)(1)(ii)(E)(3) will remain in effect until dates for the transition periods can be established in accordance with the outcome of the amendatory processes regarding the proposed changes to § 226.7(b)(1)(ii). The new beginning date for the transition period shall be not later than September 1, 1976, and may be embodied in a corresponding section of any final regulation adopted pursuant to the proposals to amend this section.

In determining the new changeover date from one transition period to the other, the Board will take into account the increased flexibility which may be added by the proposed amendments when determining the lead time necessary for compliance.

In consideration of the foregoing and pursuant to the authority granted in 15 U.S.C. § 1604 (1970) the Board amends Regulation Z, 12 C.F.R. Part 226 as follows:

§ 226.7 [Amended]

Section 226.7(b)(1)(ii) as presently written is hereby amended by the suspension of the July 1, 1976, date for the transition periods provided in paragraphs (E)(2) and (E)(3) thereof; provided such suspension shall end not later than September 1, 1976.

By order of the Board of Governors, May 7, 1976.

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

[FR Doc.76-14364 Filed 5-17-76;8:45 am]

[Docket No. R-0037]

### PART 265—RULES REGARDING DELEGATION OF AUTHORITY

In order to expedite and facilitate the handling of certain of its functions, the Board has amended its Rules Regarding Delegation of Authority adopted pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. § 248(k)) to delegate to the Director of the Division of Banking Supervision and Regulation the authority under the provisions of section 17A(c)(3)(C) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. § 78q-1(c)(3)(C)) to withdraw or cancel by order the transfer agent registration of a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company that is a "bank" as defined in section 3(a)(6) of that Act (other than a bank specified in clause (i) or (iii) of section 3(a)(34)(B) of that Act (15 U.S.C. § 78c(3)(a)(34)(B))).

The provisions of section 553 of Title 5, United States Code, relating to notice and deferred effective date, were not followed in connection with the adoption of this amendment because the rule involved herein relates to internal agency management and accordingly does not constitute a substantive rule subject to the requirements of that section.

Effective May 10, 1976, § 265.2 is amended by adding paragraph (c)(18) as follows:

§ 265.2 Specific Functions Delegated to Board Employees and to Federal Reserve Banks.

* * * * *

(c) The Director of the Division of Banking Supervision and Regulation (or in his absence, the Acting Director) is authorized:

* * * * *

(18) Under the provisions of section 17A(c)(3)(C) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. §78q-1(c)(3)(C)) to withdraw or cancel the transfer agent registration of a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary bank of a bank holding company that is a bank as defined in section 3(a)(6) of the Act (other than a bank specified in clause (i) or (iii) of section 3(a)(34)(B) of the Act (15 U.S.C. § 78c(3)(a)(34(B))) that has filed a written notice of withdrawal with the Board or upon a finding that such transfer agent is no longer in existence or has ceased to do business as a transfer agent.

By order of the Board of Governors, May 10, 1976.

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

[FR Doc.76-14362 Filed 5-17-76;8:45 am]

Title 24—Housing and Urban Development

## CHAPTER VII—NEW COMMUNITY DEVELOPMENT CORPORATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-391]

## PART 700—BYLAWS

### Technical Amendments

Title 24 CFR Chapter VII is being changed and the Bylaws of the Community Development Corporation, 24 CFR Part 700, are being revised as set forth below, both principally because of technical amendments to the Corporation's authorizing statute, Part B of the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4511; et seq., part of Title VII of the Housing and Urban Development Act of 1970, 42 U.S.C. 4501, et. seq.). The specific changes mandated by the statutory amendments, contained in Section 803 of the Housing and Urban Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633, 725), are a change in name of the Corporation from the "Community Development Corporation to the "New Community Development Corporation" and an increase in the authorized number of members of the Board of Directors of the Corporation from five to seven. In conjunction with those changes, quorum requirements for the Board of Directors are being modified, and appropriate editorial changes are being made in the Bylaws. In addition, to conform to the adjustment taking place this year in the fiscal year of the United States Government, the fiscal year of the Corporation is being changed to end on September 30 of each year.

Inasmuch as this revision concerns the internal organization and procedure of the Corporation and because the changes are technical in nature and of limited interest to the public, it is hereby determined that advance publication for comment is unnecessary. Accordingly, this revision shall be effective on May 18, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

24 CFR Chapter VII is hereby revised as follows:

1. The title of Chapter VII is amended to read: "New Community Development Corporation, Department of Housing and Urban Development."

2. The table of contents for 24 CFR Part 700 is revised to read as follows:

Subchapter A—General

Sec.
700.1 Bylaws of the Corporation.
Appendix.

AUTHORITY: Secs. 726, 729 of the Housing and Urban Development Act of 1970, as amended; 42 U.S.C. 4327, 4532.

3. Section 700.1 is revised to read as follows:

§ 700.1 Bylaws of the Corporation.

The bylaws of the New Community Development Corporation, duly adopted March 3, 1971, amended May 7, 1971, amended February 6, 1975, and hereby certified to, are set forth in the following appendix.

4. The Appendix is amended to read as follows:

APPENDIX

ARTICLE 1—GENERAL PROVISIONS

SECTION 1.01 *Name.* The name of the corporation is the New Community Development Corporation (the "Corporation").

* * * * *

SEC. 1.05 *Fiscal year.* The fiscal year of the Corporation shall end on the 30th day of September of each year.

* * * * *

SEC. 3.02 *Composition, vacancies, etc.* The Board of Directors shall consist of seven members as follows: (1) The Secretary, who shall be Chairman of the Board; (2) the General Manager, who shall be appointed by the President of the United States by and with the advice and consent of the Senate and who shall serve at the pleasure of the President; (3) five persons appointed by the Secretary, who shall serve at the pleasure of the Secretary, not more than one of whom shall be selected from among officers and employees of the Department. Appointments to fill vacancies on the Board shall be in the same manner as the appointment of the vacating member.

SEC. 3.03 *Regular meetings.* Regular meetings of the Board shall be held without notice in the Secretary's conference room of the Department in the city of Washington, D.C., on the first Wednesday of each month, or if that day be a legal holiday, on the next succeeding business day at 4 p.m., unless notice of another hour or place is given.

* * * * *

SEC. 3.05 *Quorum.* At any meeting a quorum of the Board shall be four Directors when six or seven Directors are duly serving under Section 3.02 hereof; when five or less Directors are so serving, a quorum shall be three Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board. A Director shall be considered present and may participate in any meeting of the Board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other.

* * * * *

SEC. 3.09 *Resignation.* The five Directors appointed by the Secretary may resign at any time upon written notice to the Corporation and the Secretary.

* * * * *

CARLA A. HILLS,
*Chairman of the Board, New Community Development Corporation.*

[FR Doc.76-14395 Filed 5-17-76;8:45 am]

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

[Docket No. FI-1136]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the Na-

tional Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

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 and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

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. 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. |
|---|---|---|---|---|---|
| * | * | * | * | * | * |
| Massachusetts | Bristol | Fairhaven, town of | Oct. 8, 1971, emergency; Mar. 16, 1976, regular; June 16, 1976, suspended. | May 31, 1974 | 250054A |
| New Jersey | Atlantic | Absecon, city of | Dec. 23, 1971, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended. | June 28, 1974 | 340001A |
| Do | Monmouth | Deal, borough of | Jan. 14, 1972, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended. | Feb. 21, 1975 | 340292A |
| Pennsylvania | Berks | West Reading, borough of. | Sept. 3, 1971, emergency; Mar. 16, 1976, regular; June 21, 1976, suspended. | Nov. 9, 1973 | 420156A |

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

Issued: May 7, 1976.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.76–14319 Filed 5–17–76;8:45 am]

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[Docket No. FI–1137]

## 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 FR 57210–212 and 41 FR 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 |
|---|---|---|---|---|---|
| * | * | * | * | * | * |
| Arkansas | Prairie | Des Arc, city of | May 10, 1976, emergency | Aug. 8, 1975 | 050237 |
| Georgia | Haralson and Carroll. | Bremen, city of | do | Apr. 18, 1975 | 130335 |
| Kansas | Barton | Pawnee Rock, city of | do | Jan. 10, 1975 | 200021 |
| Maine | Penobscot | Greenbush, town of | do | | 230107 |
| Do | Kennebec | Sidney, town of | do | Feb. 21, 1975 | 230247 |
| Ohio | Paulding | Oakwood, village of | do | May 17, 1974 | 390437 |
| Pennsylvania | Bradford | Canton, township of | do | Oct. 18, 1974 | 421397 |
| Do | Susquehanna | Herrick, township of | do | Apr. 4, 1975 | 422580 |
| Do | Armstrong | Rayburn, township of | do | Feb. 21, 1975 | 421314 |
| Texas | Foard | Crowell, city of | do | June 27, 1975 | 480819 |
| * | * | * | * | * | * |
| Arkansas | Washington | Tontitown, town of | May 11, 1976, emergency | July 25, 1975 | 050293 |
| Idaho | Kootenai | Fernan Village, city of | do | | 160233 |
| Indiana | Jackson | Medora, town of | do | Nov. 23, 1973<br>Dec. 26, 1975 | 180098A |
| Do | Lawrence | Mitchell, city of | do | Apr. 25, 1975 | 180383 |
| Michigan | Van Buren | Almena, township of | do | July 25, 1975 | 260528 |
| Do | Saginaw | Birch Run, village of | do | Oct. 17, 1975 | 260590 |
| Montana | Lincoln | Troy, town of | do | July 11, 1975 | 300132 |
| New York | Orleans | Albion, village of | do | May 24, 1974 | 360641 |
| Pennsylvania | Cambria | Barr, township of | do | Jan. 17, 1975 | 421434 |
| Do | Sullivan | Colley, township of | do | Dec. 13, 1974 | 422059 |
| Tennessee | Campbell | Unincorporated areas | do | Nov. 29, 1974 | 470016 |
| West Virginia | Putnam | Unincorporated areas | do | Apr. 18, 1975 | 540164 |
| Wisconsin | Jackson | Merrillan, village of | do | May 30, 1974 | 550189 |
| * | * | * | * | * | * |
| Illinois | St. Clair | Fayetteville, village of | May 12, 1976, emergency | Feb. 22, 1974 | 170628 |
| Maine | Somerset | Solon, town of | do | Apr. 18, 1974 | 230371 |
| Montana | Carbon | Fromberg, town of | do | Nov. 22, 1974 | 300005 |
| New Hampshire | Merrimack | Andover, town of | do | June 28, 1974 | 330104 |
| Ohio | Champaign | Unincorporated areas | do | | 390055 |
| Do | Montgomery | Riverside, village of | do | Feb. 15, 1974 | 390416A |
| Do | Delaware | Shawnee Hills, village of | do | Feb. 8, 1974 | 390151 |
| Vermont | Orange | Strafford, town of | do | Mar. 28, 1975 | 500240 |
| * | * | * | * | * | * |
| Kentucky | Clark | Unincorporated areas | May 13, 1976, emergency | | 210378 |
| Maine | Lincoln | Nobleboro, town of | do | Feb. 14, 1975 | 230219 |
| New York | Wyoming | Eagle, township of | do | Dec. 20, 1974 | 360943 |
| Do | Montgomery | Nelliston, village of | do | Feb. 15, 1974 | 360453 |
| Pennsylvania | Butler | Summit, township of | do | Jan. 24, 1975 | 422358 |
| Washington | Grant | Warden, town of | do | May 2, 1975 | 530304 |
| * | * | * | * | * | * |
| Michigan | Muskegon | Egelston, township of | May 14, 1976, emergency | | 260680 |
| New Hampshire | Belknap | New Hampton, town of | do | Mar. 8, 1974 | 330007 |
| New York | Orleans | Holley, village of | do | July 11, 1975 | 361454 |
| Do | Chenango | Lincklaen, town of | do | Dec. 6, 1974 | 361376 |
| Ohio | Paulding | Antwerp, village of | do | Mar. 29, 1974 | 390435 |
| Do | Clark | Unincorporated areas | do | | 390732 |
| South Carolina | Spartanburg | Inman, town of | do | Jan. 31, 1975 | 450217 |

[1] New community number.

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

Issued: May 7, 1976.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.76-14320 Filed 5-17-76;8:45 am]

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[Docket No. FI-1130]

## 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 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administra-

tion (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. |
|---|---|---|---|---|---|
| * | * | * | * | * | * |
| Connecticut | Litchfield | Colebrook, town of | May 3, 1976, emergency | | 090180 |
| Iowa | Clayton | Unincorporated areas | do | | 230249 |
| Maine | Kennebec | Vienna, town of | do | Feb. 28, 1975 | 230249 |
| Mississippi | Lefore | Schlater, town of | do | Aug. 23, 1974 | 280105 |
| Missouri | Clinton | Trimble, city of | do | Feb. 7, 1975 | 290510 |
| Do | Scott | Vanduser, village of | do | Apr. 25, 1975 | 290516 |
| Nebraska | Perkins | Madrid, village of | do | July 18, 1975 | 310298 |
| North Dakota | Pembina | Walhalla, city of | do | Jan. 31, 1975 | 380254 |
| Ohio | Geauga | Aquilla, village of | do | Apr. 18, 1975 | 390739 |
| Do | Cuyahoga | Mayfield Heights, city of | do | July 25, 1975 | 390115 |
| Pennsylvania | Allegheny | Frazer, township of | do | | 421288 |
| West Virginia | Cabell | Unincorporated areas | do | Apr. 25, 1975 | 540016 |
| * | * | * | * | * | * |
| Connecticut | New London | Stonington, borough of | May 4, 1976, emergency | | 090193 |
| Iowa | Poweshiek | Brooklyn, city of | do | Apr. 18, 1975 | 190495 |
| Maine | Washington | Columbia Falls, town of | do | do | 230308 |
| Missouri | Monroe and Marion. | Monroe City, city of | do | Feb. 21, 1975 | 290688 |
| New Hampshire | Rockingham | Plaistow, town of | do | Oct. 18, 1974 | 330138 |
| New York | Schuyler | Reading, town of | do | Oct. 24, 1974 | 361206 |
| Do | Lewis | Watson, town of | do | Nov. 1, 1974 | 360377 |
| Ohio | Licking | Kirkersville, village of | do | Feb. 15, 1975 | 390701 |
| Pennsylvania | Westmoreland | Smithton, borough of | do | May 31, 1974 | 420899 |
| Texas | Bosque | Unincorporated areas | do | Dec. 27, 1974 | 480051 |
| * | * | * | * | * | * |
| Georgia | Lowndes | Hahira, city of | May 5, 1976, emergency | Apr. 11, 1975 | 130352 |
| Illinois | Alexander | East Cape Girardeau, village of. | do | | 170916 |
| Indiana | Steuben | Hudson, town of | do | July 19, 1974<br>Jan. 23, 1976 | 180249A |
| Missouri | Pemiscot | Cooter, town of | do | July 25, 1975 | 290603 |
| Do | Atchison | Watson, village of | do | Nov. 29, 1974 | 290014 |
| New Hampshire | Grafton | Bristol, town of | do | June 21, 1974<br>Sept. 26, 1975 | 330047A |
| New York | Otsego | Springfield, town of | do | Feb. 14, 1975 | 361280 |
| Oklahoma | Seminole | Sasakwa, town of | do | Nov. 8, 1974 | 400191 |
| Vermont | Orange | West Fairlee, town of | do | Feb. 28, 1975 | 500079 |
| * | * | * | * | * | * |
| Arkansas | Lawrence | Lynn, town of | May 6, 1976, emergency | Apr. 18, 1975 | 050263 |
| Kansas | Doniphan | Leona, city of | do | Dec. 20, 1974 | 200082 |
| Michigan | Newaygo | Bridgeton, township of | do | | 260466 |
| New Hampshire | Rockingham | Hampstead, town of | do | Feb. 28, 1975 | 330211 |
| New York | Dutchess | Hyde Park, town of | do | Dec. 20, 1974 | 361338 |
| Do | Saratoga | Wilton, town of | do | June 14, 1974 | 360736 |
| North Carolina | Brunswick | Caswell Beach, town of | do | | [1] 370391 |
| Ohio | Wood | Portage, village of | do | Apr. 18, 1975 | 390754 |
| * | * | * | * | * | * |
| Colorado | Eagle | Unincorporated areas | May 7, 1976, emergency | | 080051 |
| Georgia | Glascock | Gibson, city of | do | Mar. 28, 1975 | 130091 |
| Indiana | Orange | West Baden Springs, town of. | do | Dec. 28, 1973 | 180190 |
| Maine | Knox | Cushing, town of | do | Jan. 3, 1975 | 230224 |
| Do | Oxford | Denmark, town of | do | | 230476 |
| Michigan | Alger | Chatham, village of | do | Apr. 25, 1975 | 260343 |
| Do | Wayne | Plymouth, city of | Aug. 6, 1975, emergency | May 17, 1974 | 260236 |
| New York | Columbia | Livingston, town of | May 7, 1976, emergency | May 24, 1974 | 360175 |
| Do | Washington | Putnam, town of | do | Jan. 17, 1975 | 361236 |
| North Dakota | Cass | Stanley, township of | do | | 380258 |
| Ohio | Wyandot | Upper Sandusky, city of | do | Jan. 9, 1974 | 390592 |
| Pennsylvania | Allegheny | Ben Avon Heights, borough of. | do | Jan. 31, 1975 | 420011 |
| Utah | Sanpete | Spring City Corporation | do | June 27, 1975 | 490119 |
| Vermont | Franklin | Georgia, town of (I) | do | Feb. 7, 1975 | 500217 |

[1] New community number.

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

Issued: April 29, 1976.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.76-14321 Filed 5-17-76;8:45 am]

## Title 33—Navigation and Navigable Waters

## CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

## PART 208—FLOOD CONTROL REGULATIONS

### Use of Storage Allocated for Flood Control or Navigation at Reservoirs Constructed Wholly or in Part With Federal Funds

On 26 November 1975 notice was published in the FEDERAL REGISTER (40 FR 54799) that the Corps of Engineers was proposing revised regulation's prescribing the policy and procedures to govern the use of storage allocated for flood control and/or navigation at all reservoirs constructed wholly or in part with Federal funds as directed by Section 7 of the Flood Control Act of 1944. Interested persons were given until 15 December 1975 to submit written comments. Full and careful consideration was given to all written comments received.

The final Regulation has been revised to reflect applicable comments and other suggested improvements:

(a) *Summary of comments.* (1) The National Newspaper Association suggested in their comments dated 15 December 1975, that § 208.4(h) of the proposed Regulation be amended to provide for informing the general public through the use of public notices in newspapers. This suggestion has been adopted and the final Regulation is revised to include the requirement for publishing public notices in one or more newspapers of general circulation in each county affected by the water control plan.

(2) The Tennessee Valley Authority in their comments dated 17 December 1975 pointed out that, while the proposed procedures differ in several respects from techniques used by them in the operation of their facilities, the Regulation appears workable and well thought out. No specific comments were furnished by the Authority.

(3) The Office of the Secretary, U.S. Department of Agriculture (USDA) in letter dated 29 December 1975 recommended that reservoirs with less than 12,500 acre-feet of flood control storage capacity, as well as ungated structures, be excluded from the Regulation.

(i) The Deputy Assistant Secretary, Mr. Paul A. Vander Myde stated in his letter that the USDA programs which would be affected by the Section 7 Regulation are principally those administered by the Soil Conservation Service and the Forest Service. The small reservoirs administered by these agencies are designed to accomplish limited flood control objectives in relatively small watersheds automatically, without regulation of releases. In no case does their flood control storage capacity exceed 12,500 acre-feet. Furthermore, only 15–20 dams have control devices that permit joint use of the flood control storage and these are designed for optimum use of the sites for flood control and irrigation water supply.

The Corps of Engineers agrees with the Secretary that compliance with the Section 7 Regulation would be excessively time consuming, constitute hardship on the many non-Federal owners of these small dams, and serve no useful purpose for ungated dams administered by those agencies. Consequently, § 208.3 of the proposed Regulation has been amended to permit exclusion of small reservoir projects containing flood control and/or navigation storage of less than 12,500 acre-feet.

(ii) Other comments furnished in the referenced letter from the Office of the Secretary, USDA, cited the need to revise the proposed Regulation to provide for input from other agencies when a project is located on Federal land, as well as to provide for public involvement.

The Corps of Engineers recognizes the need for input to the water control plan by other interested agencies and the involvement of the general public in the development of the plan. Accordingly, § 208.4(h) of the proposed Regulation has been clarified in this regard and the final Regulation provides for joint sponsorship of public involvement activities by other interested Federal and State agencies whenever it is practicable to do so.

(4) Comments were furnished separately by the Office of the Secretary, U.S. Department of the Interior (USDI) and the Commissioner of the Bureau of Reclamation (USBR).

(i) In his letter of 12 January 1976, Commissioner Stamm, USBR, expressed the Bureau's concurrence in the Corps of Engineers proposal for streamlining the procedures for issuing flood control regulations on multiple-purpose dams that include authorization for flood control. He agreed with most of the provisions of the Regulation. In his letter, the Commissioner made recommendations and suggestions for revising certain paragraphs of the Regulation as follows:

(A) The Bureau recommends that paragraph 208.2(b) of the proposed Regulation be revised to state that the Regulation be implemented by a "memorandum of agreement" between the Corps of Engineers and the project owner prior to the time construction renders the project capable of significant impoundment of water for flood control and navigation, and by a subsequent water control diagram or release schedule signed by both parties prior to the deliberate impoundment for such storage purpose or * * * .

The Corps of Engineers is directed by Section 7 of the 1944 Flood Control Act, Public Law 78–534, "to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds * * *." Although, as indicated by Commissioner Stamm, cooperative efforts reported by the Bureau's field offices have been highly successful, in a few instances complete agreement on a water control plan and execution of the prescribed regulation plan have not been consummated. As it is mandatory for the Corps of Engineers to prescribe regulations, with or without agreement with the project owner, the Corps feels it is necessary to retain the concept of the letter of understanding, in lieu of a memorandum of agreement as recommended. Paragraph (c)(3) of § 208.11 has been added to the final Regulation which specifies minimum requirements for consummating the letter of understanding. The policy of full cooperation with the owner and designated operating agency in the development of the water control plan will remain a Corps of Engineers objective and will be extended to the maximum extent practicable.

(B) All or portions of the Bureau's recommendations regarding the wording in §§ 208.3(d), 208.4(e)(3), 208.4(i) and 208.5 of the proposed Regulation have been accepted and appropriate revisions made in the final Regulation.

Specific recommendations regarding these paragraphs which have not been found acceptable are the deletion of the latter part, remaining portion following the first sentence, of § 208.4(a) and changes in the wording of the third sentence of § 208.4(e)(2). These recommendations have not been accepted because the Corps of Engineers feels the referenced portions are needed for clarity in setting out procedures to be followed in prescribing specific regulations for projects subject to this Regulation.

(C) The Bureau's recommendation for revising the first sentence and deleting the last sentence of paragraph 208.4(c) of the proposed Regulation has not been found acceptable because the Corps of Engineers prescribes day-to-day (real-time) regulation of several projects as a routine practice and not just in special cases. This is necessary because these projects are part of a reservoir system and must be regulated in concert with other basin elements for effective and efficient project performance. Paragraph (d)(8) of § 208.11 of the final Regulation has been revised however, to better define the cooperative relationships needed for carrying out the objectives of the Regulation.

(D) The Bureau's recommendation to delete the first sentence and the latter portion of the second sentence of § 208.4 (d) of the proposed Regulation is not acceptable. The Corps of Engineers feels that visits to the project by water control managers are desirable, if not necessary, prior to project completion so that familiarity with the water control facilities can be gained. A degree of cooperative-

ness can also be established between water control managers and operating personnel assigned to the project.

(E) The recommendation of the Bureau regarding deletion of a portion of the first sentence of § 208.4(k) of the proposed Regulation is unacceptable.

Any significant storage within a reservoir for whatever purpose can have an appreciable effect upon basin flooding and may require purposeful and specific operation of facilities. Consequently, as a minimum, an interim plan of regulation must be developed and documented. Accordingly, the final Regulation retains the requirement for publication of Section 7 regulations prior to any significant impoundment within a project.

(ii) In letter dated 22 January 1976, the Deputy Assistant Secretary, USDI, recommended revision of the proposed Regulation to include specific mention and reference to the Fish and Wildlife Coordination Act. He also indicated language that should be incorporated to insure that coordination relative to reservoir drawdown is carried out by the Corps with the appropriate fish and wildlife administrating agencies.

Paragraphs (c) and (d)(8) of § 208.11 have been amended in accordance with these recommendations to include reference to the Fish and Wildlife Coordination Act and special mention has been made in the final Regulation of coordination efforts to be accomplished with other interested Federal and State agencies. Reference has also been made to Public Law 92–500, the Federal Water Pollution Control Act Amendments of 1972.

(b) Revision to the proposed Regulation prior to promulgation.

(1) Other significant changes have been made in the proposed Regulation as follows:

(i) Paragraph 208.11(a). Excepted projects have been extended to those under the jurisdiction of the Columbia River Treaty.

(ii) Paragraph 208.11(d)(5)(iv) has been added so as to retain the opportunity for promulgation of specific regulations for a project in compliance with the authorizing Act and to cover those projects which have specific regulations promulgated but do not now have water control agreements consummated as specified in §§ 208.11(c)(3) and 208.11(c)(4).

(iii) Paragraph 208.11(d)(2) has been amended to include procedures for handling project regulations in the event of noncompliance by the project owner or designated operating agency, and to indicate that measures may be taken should an impasse arise between the Corps of Engineers and the project owner regarding compliance.

(iv) Paragraph 208.11(e). Certain projects have been removed from the listing of initially applicable projects pending consummation of water control agreements in accordance with provisions of § 208.11(d)(5).

c. *Final rule making:* Notice is hereby given that the Secretary of the Army (acting through the Chief of Engineers) is revising regulations prescribing the policy and procedures to govern the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds as directed by Section 7 of the Flood Control Act of 1944. These regulations are intended to establish an understanding between project owners, operating agencies and the Corps of Engineers with regard to certain activities and responsibilities concerning water control management throughout the nation in the interest of flood control and navigation. Initially, these generalized regulations will be applicable to those projects for which specific regulations have been published in the FEDERAL REGISTER under this section (Part 208) of the Code and which will be superseded by these regulations. Specific information as defined in § 208.11(d)(11), for the initially applicable projects has been abstracted from the appropriate codified regulations to be deleted, and published in § 208.11(e) of this regulation. Periodically, and at least annually, additional projects will be added to the list in § 208.11(e) by publication of required information, defined in § 208.11(d)(11)), in the FEDERAL REGISTER.

(d) Effective date: This regulation shall become effective on May 15, 1976.

Dated: May 11, 1976.

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

Section 208.11 is added to read as follows:

AUTHORITY: Sec. 7, Pub. L. 78–534, 58 Stat. 890 (33 U.S.C. 709).

**§ 208.11 Regulations for use of storage allocated for flood control or navigation at reservoirs constructed wholly or in part with Federal funds.**

(a) *Purpose.* Revision of Policy and Procedures. This Regulation prescribes the policy and procedure for regulating the use of storage allocated for flood control or navigation purposes at all reservoirs capable of such regulation and constructed wholly or in part with Federal funds provided on the basis of such purposes, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; and those under the jurisdiction of the Columbia River Treaty. The intent of this Regulation is to establish an understanding between project owners, operating agencies, and the Corps of Engineers.

(b) *Policy.* The basic policy of the Corps of Engineers for carrying out the Congressional mandate of the cited authority is set forth below:

(1) Section 7 of the Flood Control Act of 1944 (58 Stat. 890, 33 U.S.C. 709) directs the Secretary of the Army to prescribe regulations for flood control and navigation in the following manner:

Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: Provided, that this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department.

(2) The Chief of Engineers, U.S. Army, Corps of Engineers, is designated the duly authorized representative of the Secretary of the Army to exercise the authority set out in the Act. This Regulation will normally be implemented by letters of understanding between the Corps of Engineers and project owner and will incorporate the provisions of such letters of understanding prior to the time construction renders the project capable of significant impoundment of water. A water control agreement signed by both parties will follow when deliberate impoundment first begins or * * * at such time as the responsibility for physical operation, maintenance, and certain water control responsibilities of any Corps-owned projects may be transferred to another entity. Promulgation of this Regulation for a given project will occur at such time as the name of the project appears in the FEDERAL REGISTER in accordance with paragraph (d)(11) of this section. When agreement on a water control plan cannot be reached between the Corps and the project owner after coordination with all interested parties, the project name will be entered in the FEDERAL REGISTER and the Corps of Engineers plan will be the official water control plan until such time as differences can be resolved.

(c) *Scope and terminology.* This regulation applies to Federally authorized flood control and/or navigation storage projects during the planning, design and construction phases, and throughout the life of the project. In compliance with the authority cited above, this regulation defines certain activities and responsibilities concerning water control management throughout the nation in the interest of flood control and navigation. In carrying out the conditions of this regulation, the owner and/or operating agency will comply with applicable provisions of Pub. L. 85–624, the Fish and Wildlife Coordination Act of 1958, and Pub. L. 92–500, the Federal Water Pollution Control Act Amendments of 1972. This regulation does not apply to local flood protection works governed by § 208.10, Title 33 of the Code and permits exclusion of small reservoirs containing flood control or navigation storage of less than 12,500 acre-feet.

(1) The terms "reservoir" and "project" as used herein include all water resource impoundment projects constructed or modified, including natural lakes, that are subject to this regulation.

(2) The term "project owner" refers to the entity responsible for maintenance, physical operation, and safety of

the project, and for carrying out the water control plan in the interest of flood control and/or navigation as prescribed by the Corps of Engineers. Special arrangements may be made by the project owner for "operating agencies" to perform these tasks.

(3) The term "letter of understanding" as used herein includes statements which consummate this Regulation for any given project and define the general provisions or conditions of the local sponsor, or owner, cooperation agreed to in the authorizing legislative document, and the requirements for compliance with Section 7 of the 1944 Flood Control Act. This information will be specified in the water control plan and manual. The letter of understanding will be signed by a duly authorized representative of the Chief of Engineers and the project owner. A "field working agreement" may be substituted for a letter of understanding, provided that the specified minimum requirements of the latter, as stated above, are met.

(4) The term "water control agreement" refers to a compilation of water control criteria, guidelines, diagrams, release schedules, rule curves, and specifications that basically govern the use of reservoir storage space allocated for flood control or navigation and/or release functions of a water control project for these purposes. In general, they indicate controlling or limiting rates of discharge and storage space required for flood control and/or navigation, based on the runoff potential during various seasons of the year.

(5) For the purpose of this Regulation, the term "water control plan" is limited to the plan of regulation for a water resources project in the interest of flood control and/or navigation. The water control plan must conform with proposed allocations of storage capacity and downstream conditions or other requirements to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system.

(6) The term "real-time" denotes the processing of current information or data in a sufficiently timely manner to influence a physical response in the system being monitored and controlled. As used herein the term connotes . . . the analysis for and execution of water control decisions for both minor and major flood events and for navigation, based on prevailing hydrometeorological and other conditions and constraints, to achieve efficient management of water resource systems.

(d) *Procedures.* (1) *Conditions during project formulation.* During the planning and design phases, the project owner should consult with the Corps of Engineers regarding the quantity of space to reserve in the reservoir for flood control and/or navigation purposes, and for utilization of the space. Relevant matters that bear upon flood control and navigation accomplishment include: runoff potential, reservoir discharge capability, downstream channel characteristics, hydrometeorological data collection, flood hazard, flood damage characteristics, real estate acquisition for flowage requirements (fee and easement), and resources required to carry out the water control plan. Advice may also be sought on determination of and regulation for the probable maximum or other design flood under consideration by the project owner to establish the quantity of surcharge storage space, and freeboard elevation of top of dam or embankment for safety of the project.

(2) *Corps of Engineers involvement.* If the project owner is responsible for real-time implementation of the water control plan, consultation and assistance will be provided by the Corps of Engineers when appropriate and to the extent possible. During any emergency that affects flood control and/or navigation, the Corps of Engineers may temporarily prescribe regulation of flood control or navigation storage space on a day-to-day (real-time) basis without request of the project owner. Appropriate consideration will be given for other authorized project functions. Upon refusal of the project owner to comply with regulations prescribed by the Corps of Engineers, a letter will be sent to the project owner by the Chief of Engineers or his duly authorized representative describing the reason for the regulations prescribed, events that have transpired, and notification that the project owner is in violation of the Code of Federal Regulations. Should an impasse arise, in that the project owner or the designated operating entity persists in noncompliance with regulations prescribed by the Corps of Engineers, measures may be taken to assure compliance.

(3) *Corps of Engineers implementation of real-time water control decisions.* The Corps of Engineers may prescribe the continuing regulation of flood control storage space for any project subject to this regulation on a day-to-day (real-time) basis. When this is the case, consultation and assistance from the project owner to the extent possible will be expected. Special requests by the project owner, or appropriate operating entity, are preferred before the Corps of Engineers offers advice on real-time regulation during surcharge storage utilization.

(4) *Water control plan and manual.* Prior to project completion, water control managers from the Corps of Engineers will visit the project and the area served by the project to become familiar with the water control facilities, and to insure sound formulation of the water control plan. The formal plan of regulation for flood control and/or navigation, referred to herein as the water control plan, will be developed and documented in a water control manual prepared by the Corps of Engineers. Development of the manual will be coordinated with the project owner to obtain the necessary pertinent information, and to insure compatibility with other project purposes and with surcharge regulation. Major topics in the manual will include: authorization and description of the project, hydrometeorology, data collection and communication networks, hydrologic forecasting, the water control plan, and water resource management functions, including responsibilities and coordination for water control decision-making. Special instructions to the dam-tender or reservoir manager on data collection, reporting to higher Federal authority, and on procedures to be followed in the event of a communication outage under emergency conditions, will be prepared as an exhibit in the manual. Other exhibits will include copies of this Regulation, letters of understanding consummating this Regulation, and the water control agreements. After approval by the Chief of Engineers or his duly authorized representative, the manual will be furnished the project owner.

(5) *Water control agreement.* (i) A water control diagram (graphical) will be prepared by the Corps of Engineers for each project having variable space reservation for flood control and/or navigation during the year; e.g., variable seasonal storage, joint-use space, or other rule curve designation. Reservoir inflow parameters will be included on the diagrams when appropriate. Concise notes will be included on the diagrams prescribing the use of storage space in terms of release schedules, runoff, non-damaging or other controlling flow rates downstream of the damsite, and other major factors as appropriate. A water control release schedule will be prepared in tabular form for projects that do not have a variable space reservation for flood control and/or navigation. The water control diagram or release schedule will be signed by a duly authorized representative of the Chief of Engineers, the project owner, and the designated operating agency, and will be used as the basis for carrying out this Regulation. Each diagram or schedule will contain a reference to this Regulation.

(ii) When deemed necessary by the Corps of Engineers, information given on the water control diagram or release schedule will be supplemented by appropriate text to assure mutual understanding on certain details or other important aspects of the water control plan not covered in this Regulation, on the water control diagram or in the release schedule. This material will include clarification of any aspects that might otherwise result in unsatisfactory project performance in the interest of flood control and/or navigation. Supplementation of the agreement will be necessary for each project where the Corps of Engineers exercises the discretionary authority to prescribe the flood control regulation on a day-to-day (real-time) basis. The agreement will include delegation of the responsibility. The document should also cite Section 7 of the 1944 Flood Control Act and congressional legislation authorizing construction of the project.

(iii) All flood control regulations published in the Federal Register under this Section (Part 208) of the Code prior to the date of this publication and listed in paragraph 208.11(e) are hereby superseded.

(iv) Nothing in this Regulation prohibits the promulgation of specific regu-

lations for a project in compliance with the authorizing Act (Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709)), when agreement on acceptable regulations cannot be reached between the Corps of Engineers and the owner.

(6) *Hydrometeorological instrumentation.* The project owner will provide instrumentation in the vicinity of the damsite and will provide communication equipment necessary to record and transmit hydrometeorological and reservoir data to all appropriate Federal authorities on a real-time basis. For those projects where the owner retains responsibility for real-time implementation of the water control plan, the owner will also provide or arrange for the measurement and reporting of hydrometeorological parameters required within and adjacent to the watershed and downstream of the damsite, sufficient to regulate the project for flood control and/or navigation in an efficient manner. When data collection stations outside the immediate vicinity of the damsite are required, and funds for installation, observation, and maintenance are not available from other sources, the Corps of Engineers may agree to share the costs for such stations with the project owner. Availability of funds and urgency of data needs are factors which will be considered in reaching decisions on cost sharing.

(7) *Project safety.* The project owner is responsible for the safety of the dam and appurtenant facilities and for regulation of the project during surcharge storage utilization. Emphasis upon the safety of the dam is especially important in the event surcharge storage is utilized, which results when the total storage space reserved for flood control is exceeded. Any assistance provided by the Corps of Engineers concerning surcharge regulation is to be utilized at the discretion of the project owner, and does not relieve the owner of the responsibility for safety of the project.

(8) *Notification of the general public.* The Corps of Engineers and other interested Federal and State agencies, and the project owner will jointly sponsor public involvement activities, as appropriate, to fully apprise the general public of the water control plan. Public meetings or other effective means of notification and involvement will be held, with the initial meeting being conducted as early as practicable but not later than the time the project first becomes operational. Notice of the initial public meeting shall be published once a week for three consecutive weeks in one or more newspapers of general circulation published in each county covered by the water control plan. Such notice shall also be used when appropriate to inform the public of modifications in the water control plan. If no newspaper is published in a county, the notice shall be published in one or more newspapers of general circulation within that county. For the purposes of this Section a newspaper is one qualified to publish public notices under applicable state law. Notice shall be given in the event significant problems are anticipated or experienced that will prevent carrying out the approved water control plan or in the event that an extreme water condition is expected that could produce severe damage to property or loss of life. The means for conveying this information shall be commensurate with the urgency of the situation. The water control manual will be made available for examination by the general public upon request at the appropriate office of the Corps of Engineers, project owner or designated operating agency.

(9) *Other generalized requirements for flood control and navigation.* (i) Storage space in the reservoirs allocated for flood control and navigation purposes shall be kept available for those purposes in accordance with the water control agreement, and the plan of regulation in the water control manual.

(ii) Any water impounded in the flood control space defined by the water control agreement shall be evacuated as rapidly as can be safely accomplished without causing downstream flows to exceed the controlling rates; i.e., releases from reservoirs shall be restricted insofar as practicable to quantities which, in conjunction with uncontrolled runoff downstream of the dam, will not cause water levels to exceed the controlling stages currently in force. Although conflicts may arise with other purposes, such as hydropower, the plan or regulation may require releases to be completely curtailed in the interest of flood control or safety of the project.

(iii) Nothing in the plan of regulation for flood control shall be construed to require or allow dangerously rapid changes in magnitudes of releases. Releases will be made in a manner consistent with requirements for protecting the dam and reservoir from major damage during passage of the maximum design flood for the project.

(iv) The project owner shall monitor current reservoir and hydrometeorological conditions in and adjacent to the watershed and downstream of the damsite, as necessary. This and any other pertinent information shall be reported to the Corps of Engineers on a timely basis, in accordance with standing instructions to the damtender or other means requested by the Corps of Engineers.

(v) In all cases where the project owner retains responsibility for real-time implementation of the water control plan, he shall make current determinations of: reservoir inflow, flood control storage utilized, and scheduled releases. He shall also determine storage space and releases required to comply with the water control plan prescribed by the Corps of Engineers. The owner shall report this information on a timely basis as requested by the Corps of Engineers.

(vi) The water control plan is subject to temporary modification by the Corps of Engineers if found necessary in time of emergency. Requests for and action on such modifications may be made by the fastest means of communication available. The action taken shall be confirmed in writing the same day to the project owner and shall include justification for the action.

(vii) The project owner may temporarily deviate from the water control plan in the event an immediate short-term departure is deemed necessary for emergency reasons to protect the safety of the dam, or to avoid other serious hazards. Such actions shall be immediately reported by the fastest means of communication available. Actions shall be confirmed in writing the same day to the Corps of Engineers and shall include justification for the action. Continuation of the deviation will require the express approval of the Chief of Engineers, or his duly authorized representative.

(viii) Advance approval of the Chief of Engineers, or his duly authorized representative, is required prior to any deviation from the plan of regulation prescribed or approved by the Corps of Engineers in the interest of flood control and/or navigation, except in emergency situations provided for in paragraph d(9)(vii) above. When conditions appear to warrant a prolonged deviation from the approved plan, the project owner and the Corps of Engineers will jointly investigate and evaluate the proposed deviation to insure that the overall integrity of the plan would not be unduly compromised. Approval of prolonged deviations will not be granted unless such investigations and evaluations have been conducted to the extent deemed necessary by the Chief of Engineers, or his designated representatives, to fully substantiate the deviation.

(10) *Revisions.* The water control plan and all associated documents will be revised by the Corps of Engineers, as necessary, to reflect changed conditions that come to bear upon flood control and navigation, e.g., reallocation of reservoir storage space due to sedimentation or transfer of storage space to a neighboring project. Revision of the water control plan, water control agreement, water control diagram, or release schedule requires approval of the Chief of Engineers or his duly authorized representative. Each such revision shall be effective upon the date specified in the approval. The original (signed document) water control agreement shall be kept on file in the Office, Chief of Engineers, Department of the Army, Washington, D.C. Copies of the agreement shall be kept on file in and may be obtained from the office of the project owner, or from the office of the appropriate Division Engineer, Corps of Engineers.

(11) FEDERAL REGISTER. The following information for each project subject to Section 7 of the 1944 Flood Control Act shall be published in the FEDERAL REGISTER prior to the time the project becomes operational and prior to any significant impoundment before project completion or * * * at such time as the responsibility for physical operation and maintenance of the Corps of Engineers

owned projects is transferred to another entity: (i) reservoir, dam, and lake names, (ii) stream, county and state corresponding to the damsite location, (iii) the maximum current storage space in acre-feet to be reserved exclusively for flood control and/or navigation purposes, or any multiple-use space (intermingled) when flood control or navigation is one of the purposes, with corresponding elevations in feet above mean sea level, and area in acres, at the upper and lower limits of said space, (iv) the name of the project owner, and (v) congressional legislation authorizing the project for Federal participation.

(e) *List of projects.* The following tables, "PERTINENT PROJECT DATA—SECTION 208.11 REGULATION," show the pertinent data for projects which are subject to this Regulation.

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION

| PROJECT NAME | STREAM | COUNTY & STATE | EXCLUSIVE | | | | | MULTIPLE-USE | | | | | PROJECT OWNER | AUTH. LEGIS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | FLOOD CONTROL/NAVIGATION | | | | | FLOOD CONTROL/NAVIGATION | | | | | | |
| | | | STORAGE | ELEV. LIMITS | | AREA | | STORAGE | ELEV. LIMITS | | AREA | | | |
| | | | 1000 ac-ft. | feet m.s.l. UPPER | LOWER | acres UPPER | LOWER | 1000 ac-ft. | feet m.s.l. UPPER | LOWER | acres UPPER | LOWER | | |
| Alpine Dam | Keith Creek | Winnebago, Il | 0.585 | 796.0 | 764.0 | 51.88 | 0 | - | - | - | - | - | City of Rock-Ford, Il | FWA Proj. |
| Agency Valley Dam & Res. | N. Fork Malheur River | Malheur, Or. | - | - | - | - | - | 60.0 | 3340.0 | 3263.21 | 1900 | 0 | Bureau of Rec. | PL 68-292 |
| Bear Creek Dam | Bear Creek | Marion & Ralls, Mo. | 8.7 | 564.5 | 520.0 | 540 | 0 | - | - | - | - | - | City of Hannibal, Mo. | PL 83-780 |
| Big Dry Creek and Diversion | Big Dry Creek and Dog Creek | Fresno, Ca. | 16.25 | 425.0 | 393.0 | 1530 | 0 | - | - | - | - | - | Reclamation Board Ca. | PL 77-228 |
| Bonny Dam & Res. | S. Fork Republican River | Yuma, Co. | 129.0 | 3710.0 | 3672.0 | 5,036 | 2042 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Boysen Dam & Res. | Wind River | Fremont, Wy. | 150.0 | 4732.2 | 4725.0 | 22116 | 19560 | 150 | 4725.0 | 4717.0 | 19560 | 16955 | Bureau of Rec. | PL 78-534 |
| Bully Creek Dam & Reservoir | Bully Creek | Malheur, Or. | | | | | | 31.65 | 2523.0 | 2456.8 | 1082 | 140 | Bureau of Rec. | PL 86-248 |
| Camanche Dam & Reservoir | Mokelumne River | San Joaquin, Ca. | - | - | - | - | - | 200.0 | 235.5 | 205.1 | 7600 | 5507 | East Bay Mun Util Dist, Oakland, Ca. | PL 86-645 |
| Cedar Bluff Dam & Reservoir | Smoky Hill River | Trego, Ks. | 192.0 | 2166.0 | 2144.0 | 10790 | 6869 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Clark Canyon Dam & Reservoir | Beaverhead River | Beaverhead, Mt. | 79.1 | 5560.4 | 5546.1 | 5903 | 5160 | 50.5 | 5546.1 | 5535.7 | 5160 | 4496 | Bureau of Rec. | PL 78-534 |
| Devil Creek Dam & Reservoir | Devil Creek, Malad River | Oneida, Id. | - | - | - | - | - | 2.0 | 5172.4 | 5156.1 | 140 | 100 | Malad Valley Irrigating Co. | PL 84-984 |

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION

| NAME | STREAM | STATE | EXCLUSIVE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | ELEV. LIMITS feet m.s.l. LOWER | AREA acres UPPER | AREA acres LOWER | MULTIPLE-USE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | ELEV. LIMITS feet m.s.l. LOWER | AREA acres UPPER | AREA acres LOWER | PROJECT OWNER | AUTH. LEGIS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Emigrant Dam & Reservoir | Emigrant Creek | Jackson, Or. | 39.0 | 2241.0 | 2131.5 | 801 | 80 | - | - | - | - | - | Bureau of Rec. | PL 83-606 |
| Enders Dam & Reservoir | Frenchman Creek | Chase, Nb. | 30.0 | 3127.0 | 3112.3 | 2405 | 1707 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Folsom Dam & Lake | American River | Sacramento, Ca | - | - | - | - | - | 400.0 | 466.0 | 427.0 | 11450 | 9040 | Bureau of Rec. | PL 81-356 |
| Friant Dam & Res (Millerton Lake) | San Joaquin River | Fresno, Ca. | - | - | - | - | - | 390.0 | 578.0 | 466.3 | 4850 | 2101 | Bureau of Rec. | PL 75-392 & PL 76-868 |
| Glen Elder Dam & Waconda Lake | Solomon River | Mitchell, Ks. | 722.0 | 1488.3 | 1455.6 | 33682 | 12602 | - | - | - | - | - | Bureau of Rec. | PL 78-534 & PL 79-526 |
| Glendo Dam & Reservoir | North Platte River | Platte, Wy. | 271.9 | 4653.0 | 4635.0 | 17986 | 12365 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Heart Butte Dam & Lake Tschida | Heart River | Grant, N.D. | 150.0 | 2094.5 | 2064.5 | 6625 | 3400 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Hoover Dam & Lake Mead | Colorado River | Clark NV & Mohave, Az. | 1500.0 | 1229.0 | 1219.6 | 162700 | 156500 | 15853.0 | 1219.6 | 1083.0 | 156500 | 83500 | Bureau of Rec. | PL 70-642 |
| Hungry Horse Dam & Reservoir | S. Fork Flathead River | Flathead, Mt. | 2982.0 | 3560.0 | 3336.0 | 23800 | 5400 | - | - | - | - | - | Bureau of Rec. | PL 78-329 |
| Jamestown Dam & Reservoir | James River | Stutsman, N.D. | 185.4 | 1454.0 | 1432.67 | 13206 | 2555 | 6.6 | 143267 | 1429.8 | 2555 | 2085 | Bureau of Rec. | PL 78-534 |
| Keyhole Dam & Reservoir | Belle Fourche River | Crook, Wy. | 140.2 | 4111.5 | 4099.3 | 13686 | 9394 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION

| PROJECT NAME | STREAM | COUNTY & STATE | EXCLUSIVE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | ELEV. LIMITS feet m.s.l. LOWER | AREA acres UPPER | AREA acres LOWER | MULTIPLE-USE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | ELEV. LIMITS feet m.s.l. LOWER | AREA acres UPPER | AREA acres LOWER | PROJECT OWNER | AUTH. LEGIS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Kirwin Dam & Reservoir | N. Fork Solomon River | Phillips, Ks. | 215.115 | 1757.3 | 1729.25 | 10640 | 5080 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Little Wood River Dam & Reservoir | Little Wood River | Blain, Id. | 30.0 | 5237.3 | 5127.8 | 574 | 0 | - | - | - | - | - | Bureau of Rec. | PL 84-993 |
| Logan Martin Dam & Reservoir | Coosa River | Talladega, Al | 245.3 | 477 | 465 | 26310 | 15260 | - | - | - | - | - | Alabama Power Co. | PL 83-436 |
| Los Banos Dam & Detention Res. | Los Banos Creek | Merced, Ca. | - | - | - | - | - | 14.0 | 353.5 | 327.8 | 619 | 467 | Bureau of Rec. | PL 86-488 |
| Lovewell Dam & Reservoir | White Rock Creek | Jewell, Ks. | 50.0 | 1595.3 | 1582.6 | 5025 | 2986 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Markham Ferry Dam & Lake Wash E. Hudson | Grand (Neosho) River | Mayes, Ok. | 244.2 | 636.0 | 619.0 | 18800 | 10900 | - | - | - | - | - | Grand River Dam Authority | PL 76-476 |
| Medicine Creek Dam & Harry Strunk Lake | Medicine Creek | Frontier, Nb. | 52.0 | 2386.2 | 2366.1 | 3465 | 1850 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| New Exchequer Dam & Lake McClure | Merced River | Tuolomne, Ca. | - | - | - | - | - | 400.0 | 867.0 | 799.7 | 7110 | 4849 | Merced Irrigation Dist | PL 86-645 |
| Norton Dam & Reservoir | Prairie Dog Creek | Norton, Ks. | 100.0 | 2331.4 | 2304.3 | 5316 | 2181 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION

| PROJECT NAME | STREAM | COUNTY & STATE | EXCLUSIVE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | LOWER | AREA acres UPPER | LOWER | MULTIPLE-USE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | LOWER | AREA acres UPPER | LOWER | PROJECT OWNER | AUTH. LEGIS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ochoco Dam & Reservoir | Ochoco Creek | Crook, Or. | 51.4 | 3136.2 | 3048.1 | 1150 | 120 | - | - | - | - | - | Bureau of Rec. | PL 84-992 |
| Oroville Dam & Lake | Feather River | Butte, Ca. | - | - | - | - | - | 750.0 | 900.0 | 848.5 | 15800 | 13346 | Calif. Dept of Water Resources | PL 85-500 |
| Pactola Dam & Reservoir | Rapid Creek | Pennington, S.D. | 43.0 | 4621.5 | 4580.2 | 1232 | 860 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Palisades Dam & Reservoir | Snake River | Bonneville, Id. | 1202.0 | 5620.0 | 5452.43 | 16100 | 2170 | - | - | - | - | - | Bureau of Rec. | PL 81-864 |
| Platora Dam & Reservoir | Conejos River | Conejos, Co. | 6.0 | 10034.0 | 10027.5 | 947 | 920 | 540 | 10027.5 | 994.5 | 920 | 0 | Bureau of Rec. | PL 76-640 |
| Prineville Dam & Reservoir | Crooked Creek | Crook, Or. | 153.0 | 3234.8 | 3112.0 | 2990 | 120 | - | - | - | - | - | Bureau of Rec. | PL 84-992 |
| Prosser Creek & Reservoir | Prosser Creek | Nevada, Ca. | - | - | - | - | - | 20.0 | 5741.2 | 5703.7 | 745 | 334 | Bureau of Rec. | PL 84-858 |
| Red Willow Dam & Hugh Butler Lake | Red Willow Creek | Frontier, Nb. | 50.0 | 2604.9 | 2581.8 | 2682 | 1629 | - | - | - | - | - | Bureau of Rec. | PL 78-534 & PL 85-78 |
| Savage River Dam & Reservoir | Savage River | Garrett, Md. | - | - | - | - | - | 16.028 | 1468.5 | 1400.0 | 366 | 127 | Upper Potomac River Commission | PL 79-526 |
| Shadehill Dam & Reservoir | Grand River | Perkins, S.D. | 217.7 | 2302.2 | 2272.0 | 9900 | 4800 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Shasta Dam & Lake | Sacremento River | Shasta, Ca. | - | - | - | - | - | 1300.0 | 1067.0 | 1018.6 | 29570 | 23894 | Bureau of Rec. | PL 75-392 & PL 76-868 |

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION

| PROJECT NAME | STREAM | COUNTY & STATE | EXCLUSIVE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | LOWER | AREA acres UPPER | LOWER | MULTIPLE-USE FLOOD CONTROL/NAVIGATION STORAGE 1000 ac-ft. | ELEV. LIMITS feet m.s.l. UPPER | LOWER | AREA acres UPPER | LOWER | PROJECT OWNER | AUTH. LEGIS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Trenton Dam & Reservoir | Republican River | Hitchcock, Nb. | 134.0 | 2773.0 | 2752.0 | 7975 | 4974 | - | - | - | - | - | Bureau of Rec. | PL 78-534 |
| Twitchell Dam & Reservoir | Cuyama River | Santa Barbara, Ca. | 89.0 | 651.5 | 623.0 | 3690 | 2650 | - | - | - | - | - | Bureau of Rec. | PL 83-774 |
| Warm Springs Dam & Res. | Middle Fork Malheur River | Malheur, Or. | - | - | - | - | - | 191.0 | 3406.0 | 3327.0 | 4600 | 90 | 50% Vale Irr Dist. & 50% Bureau of Rec. | - |
| Waterbury Dam & Reservoir | Little River | Washington, Vt. | 27.7 | 617.5 | 592.0 | 1330 | 890 | - | - | - | - | - | State of Vermont | PL 78-534 |
| Weiss Dam & Reservoir | Coosa River | Cherokee, Al. | 397.0 | 574 | 546 | 50000 | 30200 | - | - | - | - | - | Alabama Power Co. | PL 83-436 |
| Yellowtail Dam & Bighorn Lake | Bighorn River | Big Horn, Mt. | 259.0 | 3657.0 | 3640.0 | 17298 | 12685 | 250.0 | 3640.0 | 3614.0 | 12685 | 7410 | Bureau of Rec. | PL 78-534 |

## Title 38—Pensions, Bonuses, and Veterans' Relief

## CHAPTER I—VETERANS ADMINISTRATION

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DELETION OF OBSOLETE AND DUPLICATIVE LANGUAGE

The Administrator of Veterans' Affairs amends Part 3 of Title 38, Code of Federal Regulations, to delete obsolete and duplicative language relating to veterans' pension benefits.

Public Law 94-169 (89 Stat. 1013), effected general increase in pension and parents' dependency and indemnity compensation rates, including housebound and aid and attendance allowance rates. Section 3.351 of Title 38, Code of Federal Regulations, prescribes the basic eligibility requirements for aid and attendance in pension, dependency and indemnity compensation and death compensation cases and housebound benefits in veteran's pension cases. Paragraph (a) of this section relating to aid and attendance is amended to delete an obsolete reference to Indian War Veterans. Paragraph (d) relating to housebound benefits is amended to delete citations of specific dollar amounts payable as aid and attendance allowance and housebound benefits. These rates are established by statutory amendments to Title 38, United States Code. The statutory rates are incorporated in rate schedules published by the Veterans Administration for use in the processing of claims. These rate schedules are up-dated whenever statutory changes are effected. For this reason, incorporating the specific rates in the regulation is a duplication which is of little benefit and requires up-dating the regulation as well when changes are effected. No change in entitlement to benefits is effected by these regulatory changes.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments are editorial in nature.

In § 3.351, paragraphs (a) and (d) introduction are revised to read as follows:

**§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.**

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular air and attendance is provided for Spanish-American War veterans (38 U.S.C. 512) and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows and widowers in need of regular aid and attendance is provided for widows and widowers of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World II or the Korean conflict (38 U.S.C. 544). Additional dependency and indemnity compensation and death compensation for widows and widowers and for parents in need of regular aid and attendance is provided for widows and widowers and for parents of veterans of all periods of service. (38 U.S.C. 322(b), 411(c); 415(h)).

* * * * *

(d) *Permanent and total plus 60 percent, or housebound; 38 U.S.C. 521.* The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension under 38 U.S.C. 521(d) based on need of regular aid and attendance shall be increased as prescribed in 38 U.S.C. 521(e) if, in addition to having a single permanent disability rated as 100 percent without resort to individual unemployability, the veteran:

* * * * *

*Effective date.* This VA Regulation is effective January 1, 1976.

Approved: May 12, 1976.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

[FR Doc.76-14470 Filed 5-17-76;8:45 am]

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## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FEDERAL EMPLOYEES' COMPENSATION

The Administrator of Veterans' Affairs amends Part 3 of Title 38, Code of Federal Regulations, to reflect a reorganization and change of name in the agency administering Federal Employees' Compensation Act benefits.

Cases are occasionally encountered in which the Veterans Administration determines a veteran's disability or death was due to military service and the Office of Workers' Compensation Programs (formerly Bureau of Employees' Compensation), which administers benefits under the Federal Employees' Compensation Act, determines the same disability or death was due to the veterans' civilian employment. In such cases there is entitlement to benefits payable by both agencies. There is also dual entitlement to benefits for disability or death of a reservist incurred in peacetime service prior to January 1, 1957. However, in both types of cases where there is dual entitlement the claimant must elect which agency's benefits he or she wishes to receive because under the enabling statutes, benefits may not be paid by both agencies concurrently based on the same disability or death. There is no prohibition against a claimant receiving concurrent benefits from both agencies when the two benefits are not based on the same disability or death.

Under a reorganization in the Department of Labor the Bureau of Employees' Compensation was abolished. Its former functions have been transferred to the Office of Workers' Compensation Programs in the Department of Labor. These regulatory changes delete the obsolete references to "Bureau of Employees' Compensation" and substitute "Federal Employees' Compensation" and "Office of Workers' Compensation Programs" where appropriate.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments are editorial in nature.

1. In § 3.400, paragraphs (d), (e), and (f) are revised to read as follows:

**§ 3.400 General.**

* * * * *

(d) *Age; veteran 65, widow (widower) 70 (§ 3.208).* In other than original claims date of receipt of claim or 65th (or 70th) birthday, whichever is later, if evidence filed within 1 year after date of request.

(e) *Apportionment (§§ 3.450 through 3.461, 3.551, 3.557).* On original claims, in accordance with the facts found. On other than original claims from the first day of the month following the month in which:

(1) Claim is received for apportionment of a veteran's award, except that where payments to him (her) have been interrupted, apportionment will be effective the day following date of last payment if a claim for apportionment is received within 1 year after that date;

(2) Notice is received that a child included in the widow's or widower's award is not in the widow's or widower's custody, except that where payments to the widow or widower have been interrupted, apportionment will be effective the day following date of last payment if such notice is received within 1 year after that date.

(f) *Federal employees' compensation cases (§ 3.708).* Date authorized by applicable law, subject to any payments made by the Office of Workers' Compensation Programs under the Federal Employees' Compensation Act over the same period of time.

* * * * *

2. In § 3.956, paragraph (a) is revised to read as follows:

**§ 3.956 Public Law 86-211.**

(a) Any person receiving or entitled to receive pension on June 30, 1960, under title 38, United States Code, based on service in World War I, World War II or the Korean conflict may receive pension under all applicable provisions of that title in effect on that date for such period or periods thereafter for which he or she can qualify under such provisions. This protection ceases when the claimant (or the claimant's fiduciary) has elected benefits under Pub. L. 86-211. (Sec. 9, Pub. L. 86-211; 73 Stat. 432)

* * * * *

3. Section 3.958 is revised to read as follows:

**§ 3.958 Federal employees' compensation cases.**

Any award approved prior to September 13, 1960, authorizing Veterans Administration benefits concurrently with an award of benefits under the Federal Employees' Compensation Act based on a finding that the same disability or death was due to civilian employment is not affected by the prohibition against concurrent awards contained in 5 U.S.C. 8116(b).

*Effective date.* These VA Regulations are effective May 12, 1976.

Approved: May 12, 1976.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

[FR Doc.76-14471 Filed 5-17-76;8:45 am]

## Title 39—Postal Service

## CHAPTER I—U.S. POSTAL SERVICE

## PART 601—PROCUREMENT OF PROPERTY AND SERVICES

### Postal Contracting Manual; Updating Information

The purpose of this document is to revise the description of the contents of the Postal Contracting Manual contained in § 601.103 to reflect the previous addition to the Manual of sections 8, 14, 20, 22, 24 and 27, and to revise and expand the description of section 18.

In addition, § 601.104, dealing with availability of the Manual, is amended to delete reference to the price of the Manual, which soon becomes out of date as a result of the continuing inflation. Certain addresses and offices in § 601.104 are also updated.

Accordingly, effective immediately, the following amendments are made to 39 CFR 601:

1. In § 601.103 paragraphs (g)–(j) are redesignated (h)–(k), paragraphs (k) and (l) are redesignated (m) and (n), paragraph (n) is redesignated (p), Paragraphs (p) and (q) are redesignated (v) and (w). Paragraphs (m) and (o) are redesignated (o) and (u) and revised to read as follows, and new paragraphs (g), (l), (q), (r), (s) and (t) are added as follows:

**§ 601.103 Content of Postal Contracting Manual.**

* * * * *

(g) Section 8 describes principles and procedures applicable to the termination of contracts for convenience or for default.

* * * * *

(l) Section 14 covers inspection and acceptance.

* * * * *

(o) Section 18 prescribes policies and procedure for the acquisition and control of land, for leasing postal facilities, for the procurement of construction and minor repairs and improvements.

* * * * *

(q) Section 20 deals with administrative matters including numbering procedures for procurement documents and formats for contracts.

(r) Section 22 prescribes procedures for the solicitation, award, and administration of job cleaner contracts.

(s) Section 24 deals with disposition of personal property in possession of contractors.

(t) Section 27 defines policies and procedures applicable to research and development contracts.

(u) Sections 4, 13, 17, 21, 23, and 25–26 are reserved for future use.

* * * * *

2. Paragraph (a) of § 601.104 is amended to read as follows:

**§ 601.104 Availability of Postal Contracting Manual.**

(a) Copies of the Postal Contracting Manual, Publication 41, may be purchased, and changes to the Manual may be obtained, from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Manual may be examined during normal business hours at the U.S. Postal Service, Office of Contracts, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260, and at the following U.S. Postal Service Regional Contract and Supply Management Branches:

Northeastern Region, 33d Street & Eighth Avenue, New York, N.Y. 10098.
Eastern Region, 1845 Walnut Street, Philadelphia, PA 19101.
Southern Region, 5100 Poplar Avenue, Clark Tower Building, Memphis, TE 38166.
Central Region, 433 West Van Buren Street, Chicago, IL 60699.
Western Region, 850 Cherry Street, San Bruno, CA 94099.

(5 USC 552(a); 39 USC 401, 404, 410, 411, 2008)

ROGER P. CRAIG,
*Deputy General Counsel.*

[FR Doc.76-14402 Filed 5-17-76;8:45 am]

## Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP6E1710/R83 FRL 544-5]

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

### Benomyl

On March 25, 1976 the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 12305) to amend 40 CFR 180.294 to include a tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pumpkins at 1 part per million. This notice of proposed rulemaking was published in response to a pesticide petition (PP6E1710) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Arkansas, Connecticut, North Carolina, and New York. No comments or requests for referral to an advisory committee were received by the Agency in regard to this notice of proposed rulemaking.

Effective on the date of publication, therefore, 40 CFR 180.294 is amended as proposed. This tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before May 18, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 18, 1976, 40 CFR 180.294 is amended as set forth below.

Dated: May 11, 1976.

AUTHORITY: Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C 346a(e)].

JAY TURIM,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

Part 180, Subpart C, § 180.294, is amended by revising the paragraph "1 part per million in or on almond hull * * *" to include the raw agricultural commodity pumpkins, to read as follows:

**§ 180.294 Benomyl; tolerances for residues.**

* * * * *

1 part per million in or on almond hulls, avocados, cucumbers, melons, pumpkins, summer squash, and winter squash.

* * * * *

[FR Doc.76-14349 Filed 3-24-76;8:45 am]

[PP6F1673/R86 FRL 544-3]

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

### Chlorpyrifos

On March 12, 1976, notice was given (41 FR 10709) that Dow Chemical Corp., PO Box 1706, Midland MI 48640, had filed a pesticide petition (PP 6F1673) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.342 be amended to establish a tolerance for residues of the insecticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol

in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm), and in meat, fat, and meat byproducts of poultry (except turkeys) and the eggs of poultry at 0.01 ppm. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evlauated. The pesticide is considered useful for the purpose for which the tolerance is sought. The established tolerances, as well as the proposed tolerances, are adequate to cover residues of the pesticide that will result in eggs and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and poultry. Therefore, 40 CFR 180.342 is being amended as proposed. The tolerances established by amending the regulation will protect the public health.

Any person adversely affected by this regulation may file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW., Washington, D.C. 20460, on or before June 17, 1976. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 18, 1976, 40 CFR 180.342 is amended as set forth below.

Dated: May 10, 1976.

AUTHORITY: Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (d)(2)].

JAY TURIM,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

Title 40, Part 180, Subpart C, § 180.342, is amended by establishing tolerances for cottonseed at 0.5 ppm and the meat, fat, and meat byproducts of poultry (except turkeys) and the eggs of poultry at 0.01 ppm and by revising the section to read as follows.

* * * * *

**§ 180.342 Chlorpyrifos; tolerances for residues.**

Tolerances are established for combined residues of the pesticide chlorpyrifos (O,O-diethyl O-(3,5,6-tricholoro-2-pyridyl) phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities:

| Commodity: | *Parts per million* |
|---|---|
| Bananas (whole) | 0.25 |
| Bananas, pulp with peel removed | 0.05 |
| Beans, lima | 0.05 |
| Beans, lima, forage | 1 |
| Beans, snap | 0.05 |
| Beans, snap, forage | 1 |
| Cattle, fat | 1.5 |
| Cattle, mbyp | 1.5 |
| Cattle, meat | 1.5 |
| Corn, field, grain | 0.1 |
| Corn, fresh (inc sweet K+CWHR) | 0.1 |
| Corn, fodder | 0.1 |
| Corn, forage | 0.1 |
| Cottonseed | 0.5 |
| Eggs | 0.01 |
| Goats, fat | 0.1 |
| Goats, mbyp | 0.1 |
| Goats, meat | 0.1 |
| Hogs, fat | 0.1 |
| Hogs, mbyp | 0.1 |
| Hogs, meat | 0.1 |
| Horses, fat | 0.1 |
| Horses, mbyp | 0.1 |
| Horses, meat | 0.1 |
| Milk, fat [0.01 ppm (N) in whole milk] | 0.25 |
| Peaches | 0.05 |
| Poultry, fat (exc turkeys) | 0.01 |
| Poultry, mbyp (exc turkeys) | 0.01 |
| Poultry, meat (exc turkeys) | 0.01 |
| Sheep, fat | 0.1 |
| Sheep, mbyp | 0.1 |
| Sheep, meat | 0.1 |
| Turkeys, fat | 0.2 |
| Turkeys, mbyp | 0.2 |
| Turkeys, meat | 0.2 |

* * * * *

[FR Doc.76-14351 Filed 5-17-76;8:45 am]

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[FRL 545-3]

## PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

### Revocation of Regulations; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting typographical errors appearing in the notice published in the FEDERAL REGISTER on April 1, 1976 (41 FR 13936) which revoked all of 40 CFR 414 promulgated on April 25, 1974 (39 FR 14676) except that portion related to the manufacture of butadiene and also revoked all of 40 CFR 414 promulgated and proposed January 5, 1976 (41 FR 902).

The second paragraph of the April 1, 1976 notice is corrected to read as follows: Sections 414.60, 414.61, 414.62, 414.63, 414.64, 414.65 and 414.66 of subpart B are revoked.

Dated: May 11, 1976.

ANDREW W. BREIDENBACH,
*Assistant Administrator for Water and Hazardous Materials.*

As corrected, the amendments to 40 CFR Part 414 (41 FR 13936, April 1, 1976) read as follows:

Subparts A, C and D are revoked and reserved.

Sections 414.60, 414.61, 414.62, 414.63, 414.64, 414.65 and 414.66 of Subpart B are revoked.

Sections 414.20, 414.21, 414.22, 414.23, 414.24, 414.25 and 414.26 of Subpart B are revoked as they apply to all commodities except butadiene. These sections, as they apply to butadiene shall remain in effect.

[FR Doc.76-14467 Filed 5-17-76;8:45 am]

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## Title 43—Public Lands: Interior

## SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

## LAND RESOURCE MANAGEMENT

### Miscellaneous Amendments & Revisions

This rulemaking makes 3 amendments and revisions of a technical or procedural nature to regulations dealing with the land management program of the Department of the Interior. No increase in funds and manpower requirements will result and no program shifts are indicated. These amendments and revisions will update 43 CFR, Parts 7 and 9 to make them consistent with current policy and with the regulations in 43 CFR, Chapter II. For these reasons, proposed rulemaking and public participation are not necessary.

These amendments and revisions will accomplish the following:

1. Section 7.5 is revised to reflect the change from Grazing Advisory Boards to Multiple Use Advisory Boards pursuant to the authority contained in the Federal Advisory Committee Act of 1970 (86 Stat. 770; 5 U.S.C. App. I).

2. Section 9.2(b) is amended to state the current address and office in which to file a lease, permit, or easement application for public works.

3. Section 9.3 is amended to conform with 43 CFR 2921.0-6 reflecting the Department's current policy on advertising displays along the Interstate System and the primary system of highways.

The regulations are amended as follows and become effective May 18, 1976.

## PART 7—EMPLOYEES: INTEREST IN LANDS AND RESOURCES

1. Section 7.5 is revised to read as follows:

**§ 7.5 Multiple Use Advisory Boards.**

Nothing contained in this part shall disqualify local stockmen appointed pursuant to the Federal Advisory Committee Act of 1970 (86 Stat. 770; 5 U.S.C. App. I) as members of advisory boards from acquiring or retaining grazing licenses or permits issued pursuant to Section 3 of the Taylor Grazing Act (43 U.S.C. 315b), or any other interest in land or resources administered by the Bureau of Land Management: *Provided*, That in no case shall the member of any such board participate in any advice or recommendation concerning such license or permit in which such member is directly or indirectly interested.

## PART 9—LEASES, PERMITS AND EASEMENTS FOR PUBLIC WORKS

2. Section 9.2(b) is amended to read as follows:

**§ 9.2 Applicability of regulations: Where to apply.**

* * * * *

(b) For public lands under the administration of the Bureau of Land Management, applications shall be filed in

that office of the Bureau of Land Management having jurisdiction over the lands. See § 1821.2–1.

* * * * *

3. Section 9.3(e) is revised and paragraphs (f) and (g) are added to read as follows:

**§ 9.3 General provisions.**

* * * * *

(e) No permits for advertising displays will be issued for lands within rights-of-way, or within 660 feet of rights-of-way of the National System of Interstate and Defense Highways (Interstate System) and the primary system (title 23, United States Code), or for displays which would be visible from such highways.

(f) Permits for advertising displays on other areas will be issued only for displays advertising activities on or within 50 feet of the property where the display is located.

(g) Notwithstanding any other provision of this subpart, no permit will be issued for the erection and maintenance of any advertising display which would be inconsistent with national programs for the preservation of natural beauty.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

MAY 10, 1976.

[FR Doc.76–14355 Filed 5–17–76;8:45 am]

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## Title 45—Public Welfare

## CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

## PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

### Subpart—Eligibility for Waiver of Increased Non-Federal Share Contribution

### CSA Instruction 6802–5

The following regulations are hereby promulgated to publish additional eligibility criteria for waiver of the non-Federal share. Publication of these regulations is a continuation of an effort to assure that communities are able to participate in community action programs despite their present lack of local economic resources to match Federal grant funds.

Although these regulations will not be effective until June 17, 1976 CSA is requesting that grantees submit their requests for waivers of the non-Federal share by May 21, 1976, since submission at the earliest possible date is in their best financial interests.

Final action on the requests will not be taken until the effective date of this subpart.

Effective: June 17, 1976.

SAMUEL R. MARTINEZ,
*Director.*

Sec.
1068.22–1 Applicability.
1068.22–2 Background.
1068.22–3 Purpose.
1068.22–4 Policy.
1068.22–5 Procedures.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

**§ 1068.22–1 Applicability.**

This subpart is applicable to all grants funded under Title II, Sections 221 and 222(a) of the Community Services Act of 1974 if the assistance is administered by the Community Services Administration.

**§ 1068.22–2 Background.**

On January 4, 1975 the Community Services Act was enacted into law. The new legislation mandated an increase in the percentage of non-Federal share contributions for certain Title II programs beginning with funds granted in FY 1976 with an additional increase for grants made with FY 1977 funds. One of the objectives of this increase was to encourage more State and local cooperation. The rationale was based on the assumption that State and local governments would be able to meet increased demands for contributions to the CSA-funded programs and that the resultant local commitment would assure a sound and continuing program. However, in the interim it appears that many State and local units of government find themselves in difficult financial situations. Therefore, regardless of the commitment many communities may have to community action programs, some units of government and private agencies may not be in a financial position to meet requests for increased contributions. To continue to require non-Federal share contributions in excess of 20% in communities where these conditions currently exist would be inconsistent with a major intent of the legislation. Consequently, the Director of CSA is exercising his authority under Section 225(c) of the Community Services Act to develop additional objective criteria under which part or all of the additional non-Federal share may be waived.

**§ 1068.22–3 Purpose.**

The purpose of this subpart is to introduce additional waiver criteria under which CSA-funded grantees who operate programs in communities where the unit(s) of government are experiencing severe economic problems and/or where the private sector in general has been likewise impacted, will be eligible for waivers of part or all of the increased non-Federal share contributions.

**§ 1068.22–4 Policy.**

(a) *New Waiver Criteria.* (1) Any grantee funded under Title II Sections 221 and 222(a) of the Community Services Act may apply for a waiver of a part or all of the required non-Federal share contribution which exceeds 20% when it can document that its inability to raise the additional funds is based on those severe economic problems in the community which result in the inability to mobilize local, State or private resources.

(2) This waiver policy covers those grants made from July 1, 1975 and is retroactive for all grants.

(b) *Existing Waiver Criteria.* § 1968.20–1—§ 1068.20–7 and § 1068.21–1—§ 1068.21–3 remain in effect. However, effective immediately, any grantee who requests a waiver under the provisions of these subparts must comply with the time frame and procedures outlined in § 1068.22–5.

**§ 1068.22–5 Procedures.**

(a) *For FY 1976 Grants.* A request for waiver of part or all of the increased non-Federal share contribution for FY 1976 will be in the form of a letter to the Regional or Headquarters office responsible for administering the grant and should be submitted to the administering office no later than May 21, 1976. Any amendments to these submissions should accompany the grantee's application for any additional FY 1976 funds. The letter will state (1) the amount (dollars) and percentage of non-Federal share required; (2) the amount (cash plus the value of in-kind) and percentage the community can provide; (3) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful; and (4) the unit(s) of government/agencies/organizations contacted. In addition the letters will be accompanied by certifications from each of those officials contacted whose contributions were below the amount requested (including "0" contributions) that they were approached; the type and value of the contribution requested; type and amount contributed in the past funding period; what they will contribute toward the current grant requirement and reasons for not being able to make contributions at the level requested. (See Exhibit 1 for example of a certification letter.)

(b) *For FY 1977 Grants.* Grantees will be informed of the time frame and procedures for submission of requests for waiver of the non-Federal share for FY 1977 at the appropriate point in FY 1977.

(c) CSA reserves the right to require that additional evidence be submitted in support of these representations.

To: Regional Director or Appropriate Headquarters Official Community Services Administration

EXHIBIT I

This is to certify that on _____ (date) _____ requested that our (CSA grantee) unit of government/organization/agency provide cash ( ) and/or in-kind ( ) valued at $_____ to be credited as a contribution to that portion of the program costs in its grant made by the Community Services Administration which must be borne by the community.

This unit of government/organization/agency has provided the following resources toward the CSA grantee's non-Federal share requirement in the previous grant period.

Cash: $_____
*Value of In-kind:*
$_____ (space)
$_____ (volunteer services)

$------ (other)

$------ Total

Due to the circumstances described below in "Remarks" we are not able to make a contribution at the level requested for this grant period.

The value of our cash contribution toward the grantee's current grant has been or will be $------.

The value of our in-kind contribution toward the grantee's current grant has been or will be as follows:

$------ (space)
$------ (volunteer services)
$------ (other)

$------ Total

Remarks:

(Authorizing Official)

(Unit of Government/ Agency/Organization)

(Date)

[FR Doc.76-14476 Filed 5-17-76;8:45 am]

## Title 50—Wildlife and Fisheries

## CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 285—ATLANTIC TUNA FISHERIES

### Final Rule Making

On March 30, 1976, the National Marine Fisheries Service (NMFS) published in the FEDERAL REGISTER (41 FR 13364) a notice of proposed rulemaking concerning the taking of Atlantic bluefin tuna in Atlantic waters. The purpose of the proposed rulemaking was to amend regulations governing Atlantic bluefin tuna promulgated on August 13, 1975 (40 FR 33978) in order to continue implementation of the conservation measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Authority for regulation is the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971, et seq. The Notice of March 30 proposed to amend, under subpart B, the annual catch quotas for bluefin tuna between 14 ad 115 pounds and larger than 300 pounds, to delete several provisions concerning incidental catch, to impose additional reporting requirements, to implement a license system and to provide for a tag and release permit.

The public had the opportunity to comment on these proposals at a public hearing held in Boston, Massachusetts on April 14, 1976, and to submit written comments until April 29, 1976. Full and careful consideration has been given to all comments received.

1. The majority of the statements delivered at the public hearing and received in writing thereafter concerned the lowering of the 1976 catch quota for giant bluefin tuna taken by all methods or gear except purse seining from 2,250 fish to 2,000 fish and the reduction in the purse seine quota for small bluefin tuna from 1,100 tons to 1,000 tons. A higher quota of 3,000 giant fish and an increase in the small fish quota to 2,200 tons were suggested. The proposed 1976 quota of 2,000 giant fish represents a reduction of 11.1 percent or 250 fish from the 1975 quota. It is the position of NMFS that this reduction is justified. In reaching this conclusion, it has taken into account an analysis made available to the public, proposed by scientists at the Southeast Fisheries Center, Miami, Florida. The analysis revealed that regardless of the catch of giant bluefin tuna, the population of these tuna will decline due to natural causes. Since these fish comprise the major reproductive capacity of the species, our objective, in the short term, is to preserve this capacity so as to increase the probability of favorable year-classes in coming seasons, and establish a stable pattern of population growth. By reducing the harvest of small fish over the long term, we hope to provide the stock with a steady influx of mature young fish in order to assure continued productive capacity.

ICCAT has recommended that we "take necessary measures to limit the fishing mortality of bluefin tuna to recent levels." Since fishing mortality is a function of stock levels, we believe that the combination of quotas we have proposed falls well within the letter and spirit of that recommendation. Therefore, the proposed quotas are adopted.

2. As a result of the widely expressed dissatisfaction with the early (September 15, 1975) closure of the 1975 giant bluefin tuna season for gear other than purse seining, due to the unrestricted harvesting rate allowed in the 1975 regulations, we proposed a daily bag limit for giant bluefin tuna in § 285.12(b)(3) of one fish per vessel up to August 13, and 3 fish per vessel thereafter until the quota was reached. Some dissatisfaction with this proposal was expressed, and numerous written objections and counter-proposals were received during the comment period. In consideration of the overwhelming agreement by all parties for a need to extend the season over the maximum period possible, the daily bag limit proposal is revised to provide a daily bag limit of one fish per vessel through August 13 and a weekly bag limit of 7 fish per vessel thereafter. The weekly provision has the distinct advantage of allowing a vessel owner or operator the flexibility of deciding whether he wishes to catch all 7 fish in one day, catch only one fish each day during the week, etc., knowing that no more than 7 fish may be taken during the week. For purposes of the weekly bag limit provision, the week is defined so as to begin at 0001 hours, Saturday and to end at 2400 hours the following Friday, thus coinciding with the weekly reporting requirements established in § 285.14(e). This approach provides the opportunity for the public to engage in this fishery over a longer time period than occurred in 1975.

3. In § 285.12(b)(1), a more precise definition is presented to clarify that the boundary line extends south from a point on the southern coast of Massachusetts through Gay Head Light, Massachusetts.

4. Section 285.14(d) is rewritten to simplify the reporting requirements of dealers. The revised language will require dealers to report their commercial activity on a weekly basis for any tuna handled rather than a separate reporting period for tuna less than 300 pounds and for tuna 300 pounds and greater. There was no comment on this item at the hearing, but we believe that the original proposal was unnecessarily complicated.

5. In § 285.16, the term "license" is replaced by the term "certificate." References to such terms are changed throughout the text. We felt that "certificate" was the more appropriate term since it was largely an informative document issued without fee. The requirement remains that all purse seine vessels fishing for Atlantic bluefin tuna must obtain a vessel certificate from the Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

6. In § 285.17, there appears some confusion as to what was actually proposed under the tag and release permit. Therefore, to simplify the activities intended, we have separated the catch and release activities from the tagging permit. It is our intent, under paragraph (a), to allow anglers to catch and release bluefin tuna at any time provided that tuna caught in excess of the daily bag limit described in § 285.12(b)(3) or during the closed season are not brought on board but released as soon as possible using care not to injure the fish. In addition, under paragraph (b), a tagging permit is provided for those anglers authorized by the Director, Southeast Fisheries Center. Anglers who wish to participate in the NMFS giant bluefin tuna official tag and release research program should send their request to the Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149, along with the name of the vessel, name of owner(s), master of vessel, type(s) of fishing gear to be used, and general area in which the activity will be carried out. Permits, appropriate tags and detailed instructions of the tagging procedure will be provided by the Director, Southeast Fisheries Center.

Section 9 of the Atlantic Tunas Convention Act of 1975 provides for regulations to be effective within the territorial sea of the United States (generally the area over which the States have jurisdiction pursuant to the Submerged Lands Act, 43 U.S.C. 1301–1343), provided that the Secretary first determines that:

a. Within a reasonable period of time after promulgation of these regulations States have not adopted measures which implement the Commission's recommendations; or

b. If a State has adopted regulations they are:

(1) Less restrictive; or

(2) Not effectively enforced.

There is also provision in the law for a State to request a hearing on the record

to consider these issues. (These provisions are implemented by § 285.8). Consequently, it is necessary to initially define the regulatory area to exclude the territorial sea of the United States. In the event the Director makes a finding that the laws and regulations of a State(s), or the absence thereof, do not meet the criteria of section 9 of the Act, and publishes notice thereof pursuant of § 285.8 of subpart A, the regulatory area for bluefin tuna will be extended to include the territorial sea or any part thereof as appropriate. (Section 285.5 of these regulations allows States 30 days from the date of promulgation of regulations to adopt appropriate measures). States may request a hearing on the record, if appropriate. It should be understood that all fish caught in the territorial sea under regulation by the Federal Government or a State(s) will be counted toward the quota as set forth in § 285.12.

Since the time the recommendations concerning Atlantic bluefin tuna went into effect on August 10, 1975, significant progress has been made by ICCAT members in adopting measures implementing the recommendations of the Commission, particularly in those countries whose fishermen are active in the Western Atlantic.

In light of the fact that the open season for Atlantic bluefin tuna has already commenced, and in order to more fully carry out the purposes of the regulations, these amendments are effective May 18, 1976.

Issued at Washington, D.C., and dated May 13, 1976.

JOSEPH W. SLAVIN,
*Acting Director,*
*National Marine Fisheries Service.*

In consideration of the foregoing, 50 CFR, Part 285, Subpart B, is amended to read as follows:

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)


285.10 Authorized fishing.
285.11 Open and closed seasons.
285.12 Quotas.
285.13 Incidental catch.
285.14 Reporting requirements.
285.15 Presumptions.
285.16 Certificates.
285.17 Release and tag permits.


AUTHORITY: Atlantic Tuna Convention Act of 1975, Pub. L. 94-70, 16 U.S.C. 971-971h.

## Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

### § 285.10 Authorized fishing.

Fishing for Atlantic bluefin tuna that weigh between 14 pounds round weight (6.4 kg.) and 115 pounds round weight (52.3 kg.) or in excess of 300 pounds round weight (136.4 kg.) by persons or fishing vessels subject to the jurisdiction of the United States is authorized in the regulatory area only during open season. Fishing for Atlantic bluefin tuna that weigh less than 14 pounds round weight or in excess of 115 pounds round weight but less than 300 pounds round weight by persons or fishing vessels subject to the jurisdiction of the United States is not authorized at any time in the regulatory area. However, Atlantic bluefin tuna that weigh less than 14 pounds or in excess of 115 pounds round weight but less than 300 pounds round weight may be incidentally taken in the course of fishing in the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States only in the manner and in the numbers or weights, as the case may be, as set forth in § 285.13.

### § 285.11 Open and closed seasons.

(a) The Director shall announce in the FEDERAL REGISTER the opening and the closing of the seasons or areas for the taking of Atlantic bluefin tuna. In determining whether a season or area shall be opened and when a season or area shall be closed for the calendar year 1976, the Director will take into consideration the number or tons, as the case may be, of Atlantic bluefin tuna taken during the period from 1 January 1976 to the date these regulations are promulgated.

### § 285.12 Quotas.

The quotas, by method of fishing, for Atlantic bluefin tuna in the regulatory area during the open season are as follows:

(a) Purse Seining:

(1) The total annual quota for Atlantic bluefin tuna that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight is 1,000 short tons (910 metric tons). Of the total annual quota 1,000 short tons, 800 short tons will be available for capture during the open season. An additional 200 short tons may be taken incidental to conducting a scientific bluefin tuna tagging project. This tagging project will be conducted under the direct supervision of the National Marine Fisheries Service or its contractor.

(2) The total annual quota for Atlantic bluefin tuna that weigh in excess of 300 pounds (136.4 kg.) round weight is 180 short tons (164 metric tons).

(b) Fishing by other than purse seining:

(1) The total annual quota of Atlantic bluefin tuna which weigh in excess of 300 pounds round weight is 2,000 tuna. Of this total, a quota of 1,850 tuna will be permitted to be taken north and east of a line drawn from a point on the southern coast of Massachusetts extending south through Gay Head Light, Massachusetts, into the Atlantic Ocean and 150 tuna will be permitted to be taken west of said line.

(2) The daily bag limit per person for persons who angle for Atlantic bluefin tuna which weigh between 14 pounds round weight and 115 pounds round weight is four Atlantic bluefin tuna.

(3) The daily bag limit per vessel operated by persons who fish for Atlantic bluefin tuna which weigh over 300 pounds round weight is one Atlantic bluefin tuna per day until August 13 and seven tuna per week from August 14, until the quota has been reached.

(c) When the quota for a particular weight of Atlantic bluefin tuna has been reached, the Director shall, in accordance with § 285.11 close the season for Atlantic bluefin tuna of that weight.

### § 285.13 Incidental catch.

(a) Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 300 pounds round weight may incidentally take, on any one trip, Atlantic bluefin tuna weighing less than said weight, provided that the number of such tuna taken shall not exceed 3 percent by weight of the total taken. Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 14 pounds round weight but less than 115 pounds round weight, may incidentally take on any one trip Atlantic bluefin tuna outside said weight limit, provided that the number of such tuna taken shall not exceed 15 percent of the total number of Atlantic bluefin tuna taken which do not exceed said limits or 4 percent by weight of the total weight of Atlantic bluefin tuna taken which do not exceed said limits.

(b) Persons angling for Atlantic bluefin tuna, which weigh between 14 pounds round weight and 115 pounds round weight, may include in the daily bag limit one Atlantic bluefin tuna less than 14 pounds round weight and one Atlantic bluefin tuna greater than 115 pounds round weight but less than 300 pounds round weight.

(c) Persons or fishing vessels subject to the jurisdiction of the United States fishing principally for species of fish other than Atlantic bluefin tuna shall not retain any Atlantic bluefin tuna taken incidentally on any trip, except in the case of traps. Persons or fishing vessels taking Atlantic bluefin tuna incidentally shall release and return such tuna to the ocean. Operators of traps may retain Atlantic bluefin tuna taken incidentally in these operations provided that said tuna do not exceed by weight 2 percent of the total weight of all fish taken within any 30-day period.

(d) Atlantic bluefin tuna taken incidentally by traps shall be included in the quotas set forth in § 285.12(b).

### § 285.14 Reporting requirements.

(a) Reports and records required by this section when required to be forwarded to the National Marine Fisheries Service, should be forwarded to:

Director, Northeast Region
National Marine Fisheries Service
14 Elm Street, Federal Building
Gloucester, Massachusetts 01930

The tags referred to in (b) and (c) of this section may be obtained by writing to the same address.

(b) Any person, master or operator of any fishing vessel subject to the jurisdiction of the United States that takes an Atlantic bluefin tuna in excess of 300 pounds round weight shall affix through the narrowest part of the fish just forward of the tail, at the time of taking an individually numbered tag furnished by the National Marine Fisheries Service. The taking and tagging of

such tuna shall be recorded in the log books provided by the National Marine Fisheries Service.

(c) The tag affixed to the tuna in paragraph (b) must remain attached to the tuna until the fish is cut into portions for domestic sale or exported from the United States. The tag may be removed from tuna packed whole or headed and eviscerated for export, but, in such cases, the tag must be attached to the container holding the fish until it is shipped from the United States.

(d) Dealers shall on a weekly basis, following instructions provided, maintain and forward to the Service, on forms available from the Service, a complete record of their commercial activity involving any bluefin tuna handled during the reporting period. Such record will include numbers of fish, disposition (names, addresses and where applicable country of destination), source (names, addresses and where applicable country of origin), tag numbers (where applicable), and round weight (by individual fish for those over 300 pounds).

(e) The owner or master of any vessel certified under § 285.16 and fishing for Atlantic bluefin tuna that weigh in excess of 300 pounds round weight shall maintain an accurate log of operations, showing hours fished each day, number and weight of Atlantic bluefin tuna caught (in the case of purse seine vessels, each set made), the date, type of gear used, size of net, area fished, place landed, disposition of fish, tag numbers, and the estimated round weight in pounds and number of tuna taken during the reporting period. A duplicate copy of the log sheets must be submitted to the National Marine Fisheries Service at the end of each reporting period per instructions accompanying the log books. Log books will be issued with the certificate and shall be available for inspection by authorized officials.

(f) The owner or master of a purse seine vessel certified under § 285.16(b) or his designated representative to take Atlantic bluefin tuna shall call the National Marine Fisheries Service every even numbered day while engaged in fishing to report the catch of tuna during the past 48 hours. The owner or master of a purse seine vessel may call either number: 617–992–7711 or 516–475–4854. The call will be recorded automatically. The message must include name and number of the vessel, general location of the vessel, and the estimated catch of tuna by weight.

### § 285.15 Presumptions.

For purposes of this Part 285, there shall be a rebuttable presumption that Atlantic bluefin tuna which are of the following lengths when measured in a straight line from the tip of the nose to the fork of the tail weigh the amount noted in association with the length:

27 inches (68 cm.)—14 pounds (6.4 kg.).
56 inches (142 cm.)—115 pounds (52.3 kg.).
75 inches (191 cm.)—300 pounds (136.4 kg.).

For any Atlantic bluefin tuna which is less than or in excess of the lengths set forth herein, there shall be a rebuttable presumption that such Atlantic bluefin tuna correspondingly weighs less than or in excess of, as the case may be, the appropriate associated weights.

### § 285.16 Certificates.

(a) The owner of a vessel fishing for Atlantic bluefin tuna weighing in excess of 300 pounds round weight within the regulatory area must obtain a certificate.

(b) Certificates may be obtained by furnishing on a form provided by the National Marine Fisheries Service information specifying the names and addresses of the vessel owner(s) and master, the name of the vessel, official number, type of fishing gear to be used, capacity (if commercial), and home port of the vessel. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, who shall issue the requested certificate without fee for 1976. The certificate will expire on December 31 of the year of issue.

(c) The certificate must be carried, at all times, on board the vessel for which it was issued and such certificate shall be subject to inspection at reasonable times by authorized officials.

(d) Certificates issued under this subpart may be revoked by the Regional Director for violation of the provisions of this subpart. Revocation will be in accordance with the hearing procedures referenced in § 285.6 of this part.

### § 285.17 Release and tag permit.

(a) Anglers may take Atlantic bluefin tuna at any time provided that the tuna taken in excess of the daily bag limit described in § 285.12(b)(3) or during the closed season are not brought on board but released as soon as possible, using care not to injure the fish.

(b) Anglers desiring to participate in a tag and release research program should submit their request to the Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149, along with the name of vessel, name of owner(s), master of vessel, type(s) of fishing gear to be used, and general area in which the fishing activity will be carried out. Permit, appropriate tags and detailed instructions of the tagging procedure will be provided by the Director, Southeast Fisheries Center.

[FR Doc.76-14400 Filed 5-17-76;8:45 am]

# proposed rules

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

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### [ 7 CFR Part 271 ]

### FOOD STAMP PROGRAM

[Amendment No. 84]

### Proposal To Terminate State Agency Acceptance of Vouchers

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), the Food and Nutrition Service gives notice that it intends to amend part 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 271. The proposed amendment would terminate, as of April 30, 1977, the provision which allows State agencies to accept vouchers, warrants, etc. from public and private agencies in lieu of recipients' purchase requirements.

Agency experience shows that the untimely conversion of vouchers to cash is a continuing problem. Moreover, the use of vouchers can result in late depositing of the cash. Accordingly the Food and Nutrition Service proposes to terminate State agency acceptance of vouchers. However, as this may be a major change in some areas, we are allowing time for State agencies to phase out their voucher programs.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to the Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 not later than June 21, 1976.

All comments, suggestions or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions or objections, will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

It is proposed to amend § 271.6(e) to read as follows:

### PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

**§ 271.6 Methods of distributing, issuing and accounting for coupons and receipts.**

* * * * *

(e) The State agency may authorize under written agreement with public or private agencies the acceptance of vouchers, or warrants issued by such agencies in payment for coupon allotments issued to eligible households: *Provided*, That no such voucher or warrant shall be accepted in payment for coupon allotments after April 30, 1977. Vouchers or warrants accepted on or before April 30, 1977, pursuant to such an agreement shall be converted into cash as soon as practicable after acceptance as determined by FNS.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: May 13, 1976.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.76–14484 Filed 5–17–76;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 310 ]

[Docket No. 75N–0125]

### CONDITIONS FOR USE IN METHADONE

### Notice of Proposed Rule Making

*Correction*

In FR Doc. 76–12414 appearing at page 17922 in the FEDERAL REGISTER of Thursday, April 29, 1976 the following correction should be made: On page 17923, third column, paragraph No. 3, seventeenth line, the first word should be "(Form".

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### [ 21 CFR Part 310 ]

[Docket No. 76N–0098]

### CONDITIONS FOR USE OF METHADONE

### Physiologic Dependence, Staffing and Urine Testing Requirements

*Corrections*

In FR Doc. 76–12415 appearing at page 17926 in the FEDERAL REGISTER of Thursday, April 29, 1976 the following corrections should be made:

1. On page 17927, first column, paragraph 3, the fifth line from the bottom should be transposed down to become the third line from the bottom.

2. On page 17927, third column, second full paragraph, the eleventh line, last word should read "urinalyses".

3. On page 17928, first column, first full paragraph, the fourth line from the bottom, the U.S. Code citation in parenthesis should read "(42 U.S.C. 257a)".

4. On page 17928, first column, second full paragraph, in the last line the form designation should be "Form FD".

5. On page 17929, second column, in paragraph IX.A.5., tenth line, the third word should read "depending".

### [ 21 CFR Parts 436, 444 ]

[Docket No. 76N–0115]

### STREPTOMYCIN AND STREPTOMYCIN-CONTAINING DRUGS

### Updating and Technical Revisions

The Food and Drug Administration is proposing to amend the antibiotic regulations by updating and making technical changes to those regulations that provide for streptomycin and streptomycin-containing drugs for human use, comments by July 19, 1976.

The proposed changes are grouped in two classes for discussion in this preamble: (1) Revocation of inactive sections or partial sections; and (2) technical changes.

1. *Revocations.* Six sections are proposed to be revoked. They are: § 444.72a Sterile streptonicozid sulfate (21 CFR 444.72a), § 444.170a Streptomycin-polymyxin-bacitracin tablets (21 CFR 444.170a), § 444.270c Streptomycin sulfate for injection (21 CFR 444.270c), § 444.570a Streptomycin ointment; dihydrostreptomycin ointment (21 CFR 444.570a), § 444.570b Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a packaged combination) for topical use (21 CFR 444.570b), and § 444.570c Streptomycin - bacitracin-polymyxin gauze pads (21 CFR 444.570c). Requests for certification of these antibiotic drugs are no longer being received. In two additional sections, §§ 444.70a and 444.270a (21 CFR 444.70a and 444.270a), provisions are proposed to be deleted for the certification of streptomycin hydrochloride, streptomycin phosphate, and streptomycin trihydrochloride calcium chloride. These salts of streptomycin are no longer produced for use in the manufacture of drugs. As a result of this proposal, the revised §§ 444.70a and 444.270a would provide only for the sterile bulk drug streptomycin sulfate and an injectable dosage form, respectively.

2. *Technical changes.* In keeping with current policy, certain technical changes are proposed as part of updating the regulations. A maximum potency limit is proposed for § 444.70a, and maximum and minimum potency limits are proposed for § 444.270b (21 CFR 444.270b). These proposed limits are based on certification experience.

The existing § 444.70a provides for both a microbiological agar diffusion assay and a turbidimetric assay, which produce equivalent results. The Commissioner of Food and Drugs finds that one method should be designated as official, and he therefore proposes that the tur-

bidimetric assay be used to determine potency.

Other minor technical changes proposed include designating the sterile bulk drug as sterile in the heading of § 444.70a, deleting streptonicozid sulfate from the table in § 436.33 (21 CFR 436.33), and referencing all tests and methods of assay prescribed in the streptomycin regulations to the general methods in Part 436 (21 CFR Part 436).

The Commissioner has reviewed the potential environmental impact of the proposed amendments and has concluded that the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed amendments and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration, at the address below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Parts 436 and 444 as follows:

§ 436.33 [Amended]

1. Part 436 is amended in § 436.33 *Safety test*, paragraph (b), by deleting the entry for "Streptonicozid sulfate" from the table therein.

2. Part 444 is amended:

a. By revising § 444.70a to read as follows:

§ 444.70a Sterile streptomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 650 micrograms and not more than 850 micrograms of streptomycin per milligram. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine or histamine-like substances.

(vi) Its loss on drying is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 200 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in manufacturing another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic syringe and needle, remove all of the withdrawable contents from each container represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Accurately dilute the sample thus obtained with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 200 milligrams per milliliter.

(8) *Identity*—(i) *Reagents.* (a) 10 percent ferric chloride stock solution: Dissolve 5 grams of $FeCl_3.6H_2O$ in 50 milliliters of 0.1*N* HCl.

(*b*) 0.25 percent ferric chloride solution: Dilute 2.5 milliliters of 10 percent ferric chloride in 0.1*N* HCl to 100 milliliters with 0.01*N* HCl. Prepare the solution fresh daily.

(ii) *Procedure.* Using distilled water, dilute the sample to be tested to a concentration of approximately 1,000 micrograms per milliliter. To 5.0 milliliters of this solution, add 2.0 milliliters of 1*N* NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and then acidify the solution by adding 2.0 milliliters of 1.2*N* HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent. A violet color indicates the presence of streptomycin.

§ 444.72a [Revoked]

b. By revoking § 444.72a *Sterile streptonicozid sulfate.*

§ 444.170a [Revoked]

c. By revoking § 444.170a *Streptomycin-polymyxin-bacitracin tablets.*

d. By revising § 444.270a to read as follows:

§ 444.270a Sterile streptomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile streptomycin sulfate, packaged for dispensing, are described in § 444.70a.

e. By revising § 444.270b to read as follows:

§ 444.270b Streptomycin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate injection is an aqueous solution of streptomycin sulfate. It may contain one or more suitable and harmless buffer substances and stabilizing agents. Each milliliter contains streptomycin sulfate equivalent to 400 milligrams, 420 milligrams, or 500 milligrams of streptomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histamine-like substances. Its pH is not less than 5.0 and not more than 8.0. The streptomycin sulfate used conforms to the standards prescribed by § 444.70a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The streptomycin sulfate used in making the batch for potency, histamine, loss on drying, pH, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine (except that the results of this test performed on the streptomycin sulfate used in making the batch may be submitted instead), and pH.

(ii) Samples required:

(*a*) The streptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) If the batch is packaged for use in the manufacture of another drug:

(*i*) For all tests except sterility: Five containers, each containing not less than 2.0 milliliters.

(*ii*) For sterility testing: 20 containers, each containing not less than 2.0 milliliters.

(2) If the batch is packaged for dispensing:

(*i*) For all tests except sterility: A minimum of eight immediate containers.

(*ii*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and method of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Using a suitable hypodermic syringe and needle, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Accurately dilute the portion with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter, except use a test dose concentration of 1.5 milligrams per milliliter in lieu of 2.0 milligrams per milliliter.

(5) *Histamine* (the histamine test may be omitted if it is performed on the streptomycin sulfate used in preparing the injection). Proceed as directed in § 436.35 of this chapter.

(6) pH. Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

**§§ 444.270c, 444.570, 444.570a, 444.570b, 444.570c [Revoked]**

f. By revoking §§ 444.270c Streptomycinsulfate for injection, 444.570 Streptomycin dermatologic dosage forms, 444.570a Streptomycin ointment; dihydrostreptomycin ointment, 444.570b Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a packaged combination) for topical use, and 444.570c Streptomycin-bacitracin - polymyxin gauze pads.

Interested persons may, on or before July 19, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 12, 1976.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.76-14369 Filed 5-17-76;8:45 am]

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## Office of Education

## [ 45 CFR Part 182a ]

## ALCOHOL AND DRUG ABUSE EDUCATION PROGRAM

### Proposed Rulemaking

Pursuant to the authority contained in the Alcohol and Drug Abuse Education Act (Pub. L. 93-422, 21 U.S.C. 1001 through 1007), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations to carry out programs for the prevention of and early intervention in alcohol and drug abuse.

The Office of Education, under the Alcohol and Drug Abuse Education Program, will make funds available to local public and private educational agencies and community-based public and private nonprofit agencies, institutions, and organizations to defray the cost of teams attending regional training centers to learn how to develop and administer alcohol and drug abuse prevention and early intervention programs. After training at the regional training centers (supported by the U.S. Office of Education), the teams will return to their respective schools and communities to carry out programs to meet local needs.

These proposed regulations do not cover matters relating to general fiscal and administrative matters which are covered under the overall Office of Education General Proivisons Regulations, published in the FEDERAL REGISTER on November 6, 1973 in 38 FR 30654.

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation refers to all that appears in that section between the citation and the preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the National Alcohol and Drug Education Program, U.S. Office of Education, Room 2049, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20202. Responses to this notice may be inspected by the public at the above office Monday through Friday between 8:30 a.m. and 4:00 p.m.

All comments, suggestions, or objections to be considered must be received not later than June 17, 1976.

Dated: April 6, 1976.

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

(Catalog of Federal Domestic Assistance Program No. 13.420, Drug Abuse Education)

Approved: May 12, 1976.

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

As proposed Part 182a reads as follows:

## PART 182a—NATIONAL ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM

### Subpart A—General

Sec.
182a.1 Scope.
182a.2 Definitions.
182a.3 Technical assistance.

### Subpart B—Alcohol and Drug Abuse Prevention and Early Intervention Program for Elementary and Secondary School Students and Educational Personnel

182a.11 Scope and purpose of training.
182a.12 Eligible applicants.
182a.13 Application requirements.
182a.14 Funding criteria.
182a.15 Composition of teams.
182a.16 Team activities.
182a.17 Coordinator.
182a.18 Allowable costs.

### Subpart C—Help Communities Help Themselves Program

182a.21 Purpose.
182a.22 Eligible applicants.
182a.23 Selection of applications.
182a.24 Application requirements.
182a.25 Funding criteria.
182a.26 Composition of teams.
182a.27 Team activities.
182a.28 Allowable costs.

### Subpart A—General

§ 182a.1 Scope.

(a) The Commissioner is authorized to carry out a program of making grants to and contracts with institutions of higher education, State and local educational agencies, and public and private education or community agencies, institutions, and organizations to support and evaluate demonstration projects, to encourage the establishment of these projects throughout the Nation, to train educational and community personnel, and to provide technical assistance in program development. In carrying out such a program, the Commissioner of Education will give priority to school-based programs and projects.

(b) Programs and projects authorized under this part may include:

(1) Projects for the development, testing, evaluation, and dissemination of exemplary materials for use in elementary, secondary, adult, and community education programs, and for training in the selection and use of these materials;

(2) Comprehensive demonstration programs which focus on the causes of drug and alcohol abuse rather than on the symptoms; which include both schools and the communities where the schools are located; which emphasize the affective as well as the cognitive approach; which reflect the specialized needs of communities; and which include, in planning and development, school personnel, the target population, community representation, and parents;

(3) Creative primary prevention and early intervention programs in schools, utilizing an interdisciplinary "school team" approach, developing in educational personnel and students skills in planning and conducting comprehensive prevention programs which include such activities as training drug and alcohol education specialists and group leaders, peer group and individual counseling, and student involvement in intellectual, cultural, and social alternatives to drug and alcohol abuse;

(4) Preservice and inservice training programs on drug and alcohol abuse prevention for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(5) Community education programs on drug and alcohol abuse, especially for parents and others in the community;

(6) Programs or projects to recruit, train, organize, and employ professionals and other persons, including former drug and alcohol abusers and former drug- and alcohol-dependent persons, to organize and participate in programs of public education in drug and alcohol abuse; and

(7) Projects for the dissemination of valid and effective school and community drug and alcohol abuse educational programs.

(c) Program and projects authorized under this part may include bilingual activities.

(d) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this Chapter (relating to fiscal, administrative, property management, recordkeeping and other matters in 45 CFR 100a).

(21 U.S.C. 1001–1007)

### § 182a.2 Definitions.

(a) "Community" means a group of individuals within identifiable geographic boundaries with common needs, goals, or purposes. A community may include a town, neighborhood, rural area, or a school district, college campus, or military base.

(b) "Drug" means any chemical substance which affects a person in such a way as to bring about psychological, emotional, or behavioral change.

(c) "Alcohol and drug abuse education" means a broad range of concerted activities which attempt to maximize opportunities for the intellectual, emotional, psychological, and physiological development of individduals, which involve the total educational process embracing both cognitive and affective domains, and which focus on the root causes of alcohol and drug abuse instead of the symptoms.

(d) "Prevention" means a constructive process designed to prevent physical, mental, or social impairment resulting from the use of chemical substances, and to promote personal and social growth to full human potential as a means of reducing the probability of destructive drug use.

(e) "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 combinations of school districts and counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(f) "Private educational agency" means a school or schools which are controlled by other than a public authority, and which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

(21 U.S.C. 1002)

### § 182a.3 Technical assistance.

(a) (1) The Secretary will provide, if requested, technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education for the purpose of developing and implementing alcohol and drug abuse prevention education programs.

(2) The Attorney General will provide, if requested, technical assistance to these agencies, organizations, and institutions on matters of law enforcement in the area of alcohol and drug abuse.

(b) Technical assistance may include providing information regarding effective methods of coping with problems of alcohol and drug abuse and providing personnel of the Department of Health, Education, and Welfare, the Department of Justice, or other persons qualified to assist in coping with these problems or carrying out alcohol and drug abuse prevention education programs.

(21 U.S.C. 1004)

## Subpart B—Alcohol and Drug Abuse Prevention and Early Intervention Program for Elementary and Secondary School Students and Educational Personnel

### § 182a.11 Scope and purpose of training.

The purpose of this subpart is to provide training and technical assistance to local public and private educational agencies to enable teams of educational personnel from these agencies to participate in training programs so that they may effectively deal with alcohol and drug abuse problems among students in grades 5 through 12; and to enable trained team members to assist in the development and implementation of alcohol and drug abuse prevention and early intervention programs. The training that these team members will receive will emphasize the understanding of alcohol and drug use and abuse problems among students and approaches for dealing with these problems in a school setting, the development of communication and leadership skills, alternatives to alcohol and drugs, needs assessment and utilization of local resources, and team building. This training will be without cost to the participating teams.

(21 U.S.C. 1002)

### § 182a.12 Eligible applicants.

Parties eligible to receive funds under this subpart are local public and private educational agencies.

(21 U.S.C. 1002)

### § 182a.13 Application requirements.

(a) Applications for assistance under this subpart shall be submitted to the regional training centers supported by the U.S. Office of Education before the closing date for such applications established annually by the Commissioner. The regional training center shall evaluate the applications on the basis of the criteria set forth in § 182a.14 and shall make recommendations to the Commissioner as to which applicants should be selected to receive training.

(b) Applications for assistance under this subpart shall contain the following information and other information the Commissioner may from time to time prescribe:

(1) A description of the applicant agency's size, number of students, and number of schools;

(2) A description of the community in which the applicant agency is located in terms of:

(i) Geographic size;

(ii) Whether it is urban, suburban, or rural;

(iii) Number and types of ethnic groups residing in the area;

(iv) The number of persons with limited English-speaking ability residing in the area; and

(v) Community socioeconomic profile.

(3) An assessment of the extent of the alcohol and drug abuse problem in the schools and community to be served;

(4) A description of the applicant's present alcohol and drug abuse education program;

(5) A list of the groups or organizations which will participate in the implementation of the program;

(6) A description of the team members including their current positions and experience which will enable them to carry out an alcohol and drug abuse prevention program effectively;

(7) A description of how team members will be utilized after training to develop a new or modify an existing alcohol and drug abuse prevention program; and

(8) A description of the support, both administrative and financial, which the

applicant will make available to the team to facilitate its alcohol and drug abuse prevention activities after training.

(c) Applicants shall assure that: (1) Team members will be available to participate on a team basis in the development and admihistration of school alcohol and drug abuse education programs in the local school district upon completion of training at the regional training centers;

(2) Reports shall be submitted in such a form and containing such information as the Commissioner may reasonably require;

(3) They will maintain records and afford access to them as the Commissioner may find necessary to assure the correctness and verification of the reports; and

(4) Federal funds made available under this subpart will be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of the Federal funds, be made available by the applicant for the purposes of this program, and in no case supplant these funds.

(d) An applicant local educational agency shall submit a copy of its application to its State educational agency. The State educational agency shall, not more than thirty days after the date of receipt of the application, submit its written comments on the application to the Commissioner and to the applicant.

(21 U.S.C. 1002)

§ 182a.14 Funding criteria.

(a) In addition to the criteria set forth in 45 CFR 100a.26(b), the Commissioner will utilize the following additional criteria in evaluating applications for funds under this subpart:

(1) The extent of the alcohol and drug abuse problem in the schools and local community to be served;

(2) The extent to which team membership includes persons who have demonstrated leadership capabilities;

(3) The extent to which the proposed alcohol and drug abuse prevention and early intervention program activities of the applicant are addressing or will address unmet alcohol and drug abuse problems in the schools and local communities to be served;

(4) The extent to which alcohol and drug abuse prevention and early intervention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant;

(5) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially; and

(6) The extent and manner in which the team will be utilized after training in the development and administration of alcohol and drug abuse prevention and early intervention programs in the schools of the applicant educational agency.

(b) In the awarding of funds under this subpart, the Commissioner will take into consideration the extent to which the funds will be distributed throughout the Nation among school systems of varying characteristics such as geographic size, ethnic composition, concentration of persons with limited English-speaking ability, and socioeconomic levels in urban, suburban, and rural areas.

(21 U.S.C. 1002)

§ 182a.15 Composition of teams.

(a) Teams for which assistance is provided to receive training in alcohol and drug abuse prevention and early intervention at regional training centers supported by the U.S. Office of Education shall be composed of educational personnel including school administrators, counselors, teachers, psychologists, school board members, paraprofessionals, and other persons providing education services in the school system on a full-time basis regardless of whether they are employees of the school system.

(b) Each team shall be composed of five persons except that a six-member team will be permitted if one of the persons is a school board member.

(c) Each team shall include at least one administrator, one teacher, and one counselor or school psychologist. Team members may represent various schools within the educational agency.

(21 U.S.C. 1002)

§ 182a.16 Team activities.

After training, teams will return to their school districts to develop and carry out alcohol and drug abuse prevention programs to meet local needs. Programs developed by the teams could include activities such as: Peer counseling, individual counseling, inservice training for teachers, workshops for parents, alternatives to alcohol and drug abuse, community education workshops, alternative education activities, curriculum development, communication skills and problem-solving workshops, referral services, drop-in centers, fund raising and resource mobilization.

(21 U.S.C. 1002)

§ 182a.17 Coordinator.

One team member, who shall be a full-time employee of the grantee, shall be designated as the program coordinator. He or she shall:

(a) Coordinate the planning and implementation of alcohol and drug abuse and early intervention education programs in the school or schools of the grantee agency;

(b) Serve as liaison on matters relating to the implementation of the program between the regional training center and the grantee; and

(c) Submit to the training center quarterly progress and final technical reports so that the center may provide appropriate techinical assistance.

(21 U.S.C. 1002)

§ 182a.18 Allowable costs.

(a) Funds received by local educational agencies under this subpart may be used to pay:

(1) The cost of travel of team members to and from the U.S. Office of Education supported regional training centers;

(2) The cost of providing substitute teachers, thereby permitting the teacher members of the team to be trained;

(3) An amount to be determined annually by the Commissioner not exceeding $6,000 to permit the grantee to pay for part of the salary of the coordinator and/or team members to implement the program in the grantee agency for twelve months following training; and

(4) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(b) Funds received under this subpart by a private educational agency may be used to pay:

(1) The cost of travel of team members to and from the U.S. Office of Education supported regional training centers; and

(2) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(21 U.S.C. 1002)

## Subpart C—Help Communities Help Themselves Program

§ 182a.21 Purpose.

The purpose of this subpart is to provide leadership training and technical assistance to teams from local communities in order that they may develop and implement alcohol and drug abuse prevention programs to effectively deal with alcohol and drug abuse problems in their communities. The training that these team members will receive will emphasize leadership, communication, and planning skills needed to:

(a) Assess alcohol and drug abuse problems in their communities;

(b) Mobilize community resources; and

(c) Develop and administer coordinated community programs. The training will be without cost to the participating teams.

(21 U.S.C. 1002)

§ 182a.22 Eligible applicants.

Parties eligible for participation under this subpart are community-based public and private nonprofit agencies, institutions, and organizations.

(21 U.S.C. 1002)

§ 182a.23 Selection of applications.

(a) Applications for assistance under this subpart shall be submitted to the regional training centers supported by the U.S. Office of Education before the closing date for these applications established annually by the Commissioner. The regional training center shall evaluate the applications on the basis of the

criteria set forth in § 182a.25 and shall make recommendations to the Commissioner as to which applicants should be selected to receive training.

(b) In the selection of applicants under this subpart, the Commissioner will take into consideration the recommendations of the training centers and the extent to which the applicants selected will reflect a distribution throughout the Nation among communities of varying characteristics such as geographic size, ethnic composition, concentration of persons with limited English-speaking ability, and socioeconomic levels in urban, suburban, and rural areas.

(21 U.S.C. 1002)

**§ 182a.24 Application requirements.**

(a) Applications for assistance under this subpart shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) A description of the applicant agency in terms of its organization, size, and capability to administer an alcohol and drug abuse prevention program;

(2) A description of the community in which the applicant agency is located in terms of:

(i) Geographic size;

(ii) Whether it is urban, suburban, or rural;

(iii) Number and types of ethnic groups residing in the area;

(iv) The number of persons with limited English-speaking ability residing in the area; and

(v) Community socioeconomic profile;

(3) A description of the alcohol and drug abuse problem in the community and a description of the activities of the organizations, agencies, or institutions which are dealing with the present alcohol and drug abuse problems;

(4) A list of the groups or organizations which will participate in the implementation of the program, following the training of team members;

(5) A list of the population groups within the community which would be affected by the implementation of alcohol and drug abuse prevention programs by the team;

(6) A description of the team members including their current positions and their experience and leadership capabilities which will enable them to carry out an alcohol and drug abuse prevention program effectively;

(7) A description of how team members will be utilized after training to develop a new or modify an existing alcohol and drug abuse prevention program; and

(8) A description of the support, both administrative and financial, which the applicant will make available to the team to facilitate its alcohol and drug abuse prevention activities after training.

(b) Applicants shall assure that:

(1) Reports shall be submitted in such a form and containing information the Commissioner may reasonably require; and

(2) They will maintain records and afford access to them as the Commissioner may find necessary to assure the correctness and verification of the reports.

(21 U.S.C. 1002)

**§ 182a.25 Funding criteria.**

In addition to the criteria set forth in 45 CFR 100a.26(b), the following additional criteria will be utilized in evaluating applications for selection under this subpart:

(a) The extent of the alcohol and drug abuse problem in the local community to be served;

(b) The extent to which team membership includes persons who have demonstrated leadership capabilities;

(c) The extent to which the proposed program activities address unmet alcohol and drug abuse prevention needs in the local community to be served;

(d) The extent to which alcohol and drug abuse prevention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant;

(e) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially; and

(f) The extent and manner in which the team will be utilized after training in the development and administration of drug abuse prevention programs in the community.

(21 U.S.C. 1002)

**§ 182a.26 Composition of teams.**

(a) Teams for which assistance is provided to receive training at regional training centers supported by the U.S. Office of Education shall be composed of five to seven members representing a variety of professions and experience, who are representatives of the community and are capable of functioning together as a team within the community.

(b) In the selection of team members, priority should be given to persons who have demonstrated leadership within their community prior to selection and who, in the past, have demonstrated concern for or interest in alcohol and drug abuse problems.

(c) Each team selected shall have:

(1) One member who is directly involved with elementary and secondary education, preferably in a decision-making capacity; and

(2) At least one but no more than two youth representatives, these youth representatives shall not be less than 18 years of age.

(d) The applicant organization will be responsible for the selection of team members and alternate team members. If a person selected as a team member is unable to undergo training, his or her place shall be taken by an alternate with similar attributes and experiences.

(e) Each person selected by the applicant organization shall be available to work with the leadership team in the development and administration of an alcohol and drug abuse education program upon returning from the training sessions.

(f) The applicant organization will designate one member of the team as liaison between the applicant organization and the regional training developmental resource center, and between the applicant organization and the Office of Education.

(21 U.S.C. 1002)

**§ 182a.27 Team activities.**

After training, teams will return to their communities to develop and carry out alcohol and drug abuse prevention programs to meet local needs. The following types of activities may be carried out: Community education workshops, drop-in centers, group and individual counseling, parent workshops, alternatives to alcohol and drug abuse, communication skills and problem-solving workshops, court diversion, teacher training, interagency coordination, student training, referral services, fund raising and resource mobilization.

(21 U.S.C. 1002)

**§ 182a.28 Allowable costs.**

The Commissioner will pay the following costs through the regional training centers:

(a) Travel of team members to and from the regional training centers; and

(b) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(21 U.S.C. 1002)

[FR Doc.76-14433 Filed 5-17-76;8:45 am]

## FEDERAL MARITIME COMMISSION

**[ 46 CFR Part 502 ]**

[General Order 16; Docket No. 76-27]

### RULES OF PRACTICE AND PROCEDURE

**Notice of Proposed Rulemaking**

The Commission has been engaged in a continuing effort to improve its rules of practice and procedure with a special view toward expediting proceedings. In the area of rate proceedings, for instance, the Commission observed that despite the statutory requirement that such proceedings be expedited and the fact that the Commission's authority to suspend rate changes is limited to a four-month period, such proceedings consume months and even years to complete. In some instances, furthermore, a carrier may even file new rates before the lawfulness of the preceding rates under investigation can be determined.

Accordingly, the Commission proposed a rule in Docket No. 75-36, Miscellaneous Amendments to Rules of Practice and Procedure, 40 FEDERAL REGISTER 43925,

which would have established a specially expedited procedure designed to avoid lengthy evidentiary hearings, if possible, where it appeared that the issues were primarily legal rather than factual. The proposed rule was criticized in certain respects regarding specific standards incorporated therein although it was acknowledged that the basic purpose of the proposed rule was salutary. Therefore, by separate notice issued in Docket No. 75-36, we are withdrawing that proposed rule. However, since the Commission believes that there continues to be a need to improve procedures in these proceedings, the Commission is now proposing a revised rule eliminating the objectionable features of the previous one. Essentially, the procedure established by this rule would require the carrier to submit additional information in the form of its direct case, comparable information would be submitted by parties protesting the rate changes, underlying materials would be exchanged, and discussions held with a view toward resolving as many issues as possible and making appropriate recommendations to the Commission as to what, if any, subsequent proceedings would be necessary to determine unresolved issues.

Another source of delay which the Commission has observed is that caused by uncertainty as to the extent of the authority of the presiding officer to delineate the scope of a proceeding instituted by order of the Commission and to limit the issues framed therein. Although presently the presiding officer is authorized to interpret the Commission's order, in some instances parties may be able to circumvent his rulings by asking the Commission itself to "clarify" its order. In other instances, it is not clear whether the presiding officer has merely interpreted the order rather than modified or amended it or whether the parties are seeking interpretations, amendments, or modifications. Consequently no one is certain as to the proper means of disposing of the problems involved. Furthermore, if the parties are free to seek relief directly from the Commission whenever such problems arise without leave of the presiding officer, the orderly progress of the proceeding is disrupted. By authorizing the presiding officer to make definitive rulings as to the scope of the proceeding and the issues, whether by modifying, amending, interpreting, or clarifying the Commission's order, this uncertainty is eliminated and the parties are able to proceed under the presiding officer's rulings forthwith.[1] Like any other of his rulings, of course, any party may seek his leave to appeal pursuant to Rule 10(m), 46 CFR 502.153, and in case the ruling constitutes a dismissal of the proceeding in whole or in part, an aggrieved party has an automatic right to appeal.

Finally, the Commission has become aware of a defect in its rules pertaining to the issuance of subpenas in connection with the taking of depositions. The problem arises because under the present rules, a person to be deposed may file a motion to quash a subpena within 10 days after service thereof or apparently even at the time specified for the taking of the deposition (Rule 9(b), 46 CFR 502.132(a)) or may file a motion for a protective order if the motion is "seasonably made" (Rule 12(b), 46 CFR 502.204(b)). The latter rule also requires no minimum notice for the taking of a deposition, since the party desiring to take a deposition need only give "reasonable notice in writing" to the proposed deponent and the parties. The rules as presently constituted give no consideration to problems which may arise when a party seeks to take a deposition but makes no allowance for the possibility that an opposing motion may be filed within 10 days after service of a subpena or "seasonally" or even at the time of the deposition. Usually, rulings should be made by the presiding officer well in advance of the time scheduled for the taking of the deposition so that parties intending to participate in the deposition proceeding, which may be at a distant location, will know before making travel plans whether the deposition will be taken as scheduled and, if so, under what conditions. Nevertheless, the rules, as presently constituted, are so unstructured as to leave the parties without guidelines as to how they are supposed to obtain necessary rulings in sufficient time in the event that the parties cannot agree on the time, location, and conditions under which the deposition is to be taken.[2] In order to aid parties in the use of the deposition device, the proposed rules would establish such procedural guidelines. In the event that the normal time requirements established by the rule cannot be met (such as when a witness is about to leave the country) or if delay in the mails interferes with the timely receipt of pertinent pleadings of if the parties request or circumstances warrant more rapid resolution of issues, the presiding officer is not prevented by the proposed rules from utilizing other procedures, e.g., by summoning the parties to a meeting for the purpose of making rulings necessary to prevent delay or undue inconvenience, pursuant to Rule 12(a), 46 CFR 502.201(b)(2).

Therefore, pursuant to section 4 of the Administrative Procedure Act [5 U.S.C. 553], sections 27 and 43 of the Shipping Act, 1916 [46 U.S.C. 826, 841(a)], and section 3 of the Intercoastal Shipping Act, 1933 [46 U.S.C. 845], Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as set forth below.

1. Section 502.67 is proposed to be amended by adding a new paragraph (c) as follows:

**§ 502.67 Proceedings under section 3 of the Intercoastal Act.**

* * * * *

(c) Whenever a carrier files with the Federal Maritime Commission a tariff or tariffs containing rate increases or decreases as defined in § 512.3(d)(1) of this chapter, the Commission may determine that the matter will be decided under a specially expedited procedure and will issue an order to that effect. Such order will require that the carrier furnish by a specified date information supplemental to that required by § 512.3(d) and consisting of the exhibits and statements of direct testimony in support of the rate changes and, if warranted, other information responsive to the issues raised by the Commission's staff or protestants, if any, and may also require that parties protesting the rate changes file by the same or a later date comparable information supporting their positions supplemental to that required by paragraph (a) of this rule. Such order may additionally require that the parties exchange the above materials among themselves and provide each other access to underlying materials in support thereof and direct the parties to discuss the issues, attempt to reach stipulations or settlements, and submit individual or joint recommendations to the Commission by a specified date identifying all unresolved issues and specifying the type of procedure best suited to resolve them. After consideration of these recommendations, the Commission will issue an appropriate order limiting the issues and establishing the procedure for their resolution or, alternatively, refer the matter to the Office of Administrative Law Judges for the establishment of such a procedure. To the extent possible, evidentiary hearings, if such are necessary, shall be held in one continuous session and shall be completed and the record closed no later than four months after the carrier's proposed effective date of the rate changes.

**§ 502.147 [Amended]**

2. Section 502.147(a) is proposed to be amended by inserting the following words between the semicolon following the word "pleadings" and the word "Hold": "delineate the scope of a proceeding instituted by order of the Commission by amending, modifying, clarifying or interpreting said order, except with regard to that portion of any order involving the Commission's suspension authority set forth in Section 3, Intercoastal Shipping Act, 1933;".

**§ 502.132 [Amended]**

3. a. Section 502.132(a) is proposed to be amended by inserting the following

[1] It is especially important that he be able to make definitive rulings regarding the scope of the proceeding at an early phase of the proceeding since such rulings will govern the use of the Commission's prehearing discovery procedures. He will not, of course, be authorized to alter any Commission decision to exercise or refrain from exercising the Commission's suspension authority.

[2] Good practice would seem to dictate that any counsel desiring to take a deposition especially where travel is involved, would contact opposing counsel to arrange a convenient time and location and to resolve other issues which may arise or agree upon a procedure to seek appropriate rulings in advance of the taking of the deposition. The proposed rules are necessary, however, because counsel have not always followed such practice in which event the present rules establish no procedures which would insure that timely rulings could be obtained.

words between the comma following the word "hearing" and the word "within": "or in connection with the taking of a deposition,".

b. Section 502.132 is proposed to be amended further by adding a new paragraph (c) as follows:

(c) If served in connection with the taking of a deposition pursuant to § 502.204, unless otherwise ordered by the presiding officer, the party who has requested the subpena shall arrange that it be served at least twenty (20) days prior to the date specified in the subpena for compliance therewith, the person to whom the subpena is directed may move to quash or modify the subpena within ten (10) days after service of the subpena, and a reply to such motion shall be served within five (5) days thereafter.

§ 502.204 [Amended]

4. a. Section 502.204(a) is proposed to be amended by revising the first sentence to read as follows:

(a) *Notice of examination: time and place.* A party desiring to take the deposition of any person upon oral examination shall, unless otherwise ordered by the presiding officer, give at least 20-days' notice in writing to such person and to every other party to the action. * * *

b. Section 502.204(b) is proposed to be amended by revising the first sentence through and including the word "shown" to read as follows:

(b) *Orders for the protection of parties and deponents.* After notice is served for taking a deposition by oral examination, unless otherwise ordered by the presiding officer, upon motion by any party or by the person to be examined made within ten (10) days after date of service of the notice of deposition, after consideration of replies to such motion served no later than five (5) days thereafter, and upon notice and for good cause shown, * * *

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 18, 1976, an original and fifteen copies of their views or arguments pertaining to the proposed rule.

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental assessment will be undertaken and no environmental impact statement will be issued in this proceeding.

By Order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.76-14430 Filed 5-17-76;8:45 am]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 226 ]

[Docket No. R-0036 Reg. Z]

## TRUTH IN LENDING

### Description of Transactions; Miscellaneous Amendments

On September 19, 1975, the Board published in the FEDERAL REGISTER amendments to Regulation Z setting forth disclosure requirements for identifying transactions reflected on open end credit account periodic statements and for other purposes (40 FR 43200). Since those amendments were adopted, questions have been raised which may require further amendment of the Regulation. Accordingly, the Board is publishing for comment these proposed amendments to Regulation Z which are intended to clarify certain requirements of the Regulation, add flexibility to the requirements as necessary, and insure that consumers are able to procure complete information regarding their open end credit accounts quickly and without undue expense. Although the proposed amendments would have some impact on so-called "country club" billing systems, their main effect would be on creditors who use the so-called "descriptive" billing systems.

IDENTIFICATION OF TRANSACTIONS

Under the proposal the requirements for identifying transactions on open end credit periodic statements as required by § 226.7(b)(1)(ii) would be changed in the following ways:

1. To enhance the clarity of the text, a new § 226.7(k) would be added to the Regulation. This new section would contain the requirements for identifying transactions. Section 226.7(b)(1)(ii) would merely reference § 226.7(k) and require that the disclosures set forth therein be made.

2. Presently, § 226.7(b)(1)(ii)(D) requires that, after October 28, 1977, the creditor must provide a reference number or identifying symbol (such as a sales voucher number) which appears on the document evidencing the transaction in those cases in which the primarily required information is not available. Questions have been raised regarding the usefulness in many cases of such a number or symbol to the consumer and regarding the cost to creditors of instituting a capability to capture the number or symbol for potential transmission in all transactions when it may, in fact, be needed for only a few. The proposed amendment would permit a creditor, as at present, to provide an identifying number or symbol when any of the primarily required information is not available. Alternatively, it would permit the creditor to disclose only that information which is available and treat any inquiry regarding the description or identification of the transaction as a billing error and an erroneous billing subject to the provisions of § 226.14. Further, the creditor would be required to provide documentary evidence of the transaction without charge.

This addition to the Regulation is designed to provide an alternative to the requirement that an identifying number or symbol be provided when the primarily required information is not available. It is designed to insure a better and more complete description to the consumer without financial disadvantage, to provide creditors with an alternative to the costly requirement of developing the capability to provide a voucher number for all transactions and to supply an incentive for the creditor to provide a complete description in the first instance. The creditor remains obligated under the proposed language to maintain procedures reasonably adapted to procure the primarily required information.

3. The proposed amendment would provide an alternative similar to that discussed in paragraph 2 for the transition period provided to creditors to adjust forms, procedures, and computer programs which last until October 28, 1977. The regulation as published on September 19, 1975, would have required the creditor to provide an identifying number or symbol when the information regarding the seller's name and address or description of merchandise or services purchased was not available. Further, it would have required the creditor to disclose the date of debiting the credit transaction to the customer's account when the primarily required date is unavailable. This proposal would allow the creditor the alternative of providing that information which is available to him while requiring the creditor to treat any inquiry regarding the identification of the transaction as a billing error and an erroneous billing when the primarily required information is not available of supplying the identifying number or symbol when primarily required information is not available during the ing the transition period.

4. The language regarding the transition period for compliance, which ends October 28, 1977, has been changed in two other respects. First, the language has been changed to further clarify the fact that the alternatives provided in this section are generally available and that creditors do not need to institute procedures reasonably adapted to procure the information which will be required to be disclosed after October 28, 1977, in the first instance during this transition phase.

Second, by a separately adopted amendment of even date, the Board suspends the July 1, 1976, beginning date for the changeover to the transition period which is due to expire October 28, 1977. This is done, because the amendatory process may not be completed in time, without rescinding or repealing the entime § 226.7(b)(1)(ii). Consequently, the requirements currently imposed by § 226.7(b)(1)(ii)(E)(*3*) will remain in effect until dates for the transition period can be established in accordance with the outcome of the amendatory processes. The Board will supply a new date to be not later than September 1, 1976, for the beginning of this transition

period when this amendatory process is completed. This new date will take into account the added flexibility which may be added by these amendments when determining the lead time necessary for compliance.

5. The proposed amendments would also provide guidance regarding the disclosure of an address in certain types of transactions which are not encompassed within the usual scenario of a purchase made at a fixed seller location. Recognizing that it is often problematic to assign one address or designation which is helpful to customers in all situations. Where the transaction occurs, for example, by telephone or mail order, in the customer's home or at a non-fixed location, such as aboard a public conveyance, the proposed amendments would provide some flexibility. They would permit the creditor to (a) omit the address, which would be especially helpful in cases where supplying an address could, in itself, be misleading, or (b) supply an address or appropriate designation, such as "mail order," which, in the creditor's opinion, is helpful in identifying the transaction or in relating the transaction to a document previously furnished. Use of the disclosure provisions of this paragraph should not be for the purpose of evading or circumventing the Act or Regulation Z, however.

6. Guidance for disclosing the seller's name in certain cases is also provided by the amendment. It would permit the creditor to provide a more complete spelling of a seller's name which has been alphabetically abbreviated on the document evidencing the transaction.

Additionally, when a seller's name has been encoded in a way which is not meaningful to consumers (for example, where only a store number is supplied on a sales voucher), the creditor must provide the code symbol and a more complete spelling of the seller's name. This is intended to provide a basis for identifying the transaction if copies of sales vouchers are not retained or allowing the customer to relate the description to a sales voucher which he may have retained.

7. Proposed footnote 9d (footnote 7c as currently written) has been positioned within the regulation to indicate that all references to "the same person or related persons" in proposed § 226.7(k) are governed by the guidelines set forth in that footnote.

8. The language regarding the disclosure of an identifying number or symbol which appears on the document evidencing the transaction has been changed to indicate that such a number or symbol need be supplied only once even though more than one of the primarily required pieces of information may be unavailable.

9. Recognizing the difficulties of procuring the primarily required information for transactions in foreign countries, the amendment would (a) allow the creditor to disclose the date the amount of the transaction is debited to the customer's account and (b) use the error resolution procedure as discussed in paragraph (2) in all cases without the obligation to maintain procedures adapted to procure the information in every instance. This provision is meant to be permissive and a creditor may, of course, disregard it and fully comply with the requirements otherwise imposed by § 226.7(k).

MISCELLANEOUS AMENDMENTS

1. The proposal would amend § 226.7 (b)(1)(iii) to provide that the date of crediting a payment or credit to the customer's account need not be disclosed in those situations where the failure to credit on any particular day will not result in the imposition of any finance charges or other charges upon the customer. This amendment is proposed in the belief that such a disclosure is of little or no value or economic concern to the consumer but does impose a substantial cost upon creditors to make the necessary changeover for their billing systems if they have not provided such a date heretofore. The requirement that payments to a customer's account be credited promptly, however, would not be changed or suspended thereby.

2. The proposal would amend § 226.7 (c)(1) to clarify the Board's intent in its publication of September 19, 1975. The proposed language for § 226.7(c)(1) permits certain information to be disclosed other than on the face of a periodic statement provided that the totals of the respective debits and credits under each of the paragraphs referenced therein are disclosed on the face of the periodic statement. Concern had been expressed that the section, as amended by the September 19 publication, requires disclosure of a total of all purchases or other loan transactions and finance charges on the face of the periodic statement. This was not the Board's intent.

3. The proposal amends § 226.13(i) by adding a footnote to paragraph 4 specifically permitting a creditor to report disputed amounts under § 226.13(i) as "in dispute" but not as "delinquent." This is consistent with the treatment of credit reports under § 226.14 and avoids the implication that a creditor must have a dual credit reporting system which would have to reflect the different kinds of disputes that may be raised.

The Board invites written comment on the proposed amendments. In particular, the Board would like to receive comments or information concerning the following:

1. The impact of the proposed changes to the regulation on problems that some consumers and creditors may have regarding transactions which occur in foreign countries.

2. Identification of any special or unusual types of transactions which may present problems of disclosure under the proposed regulations and which should be addressed at this time.

3. The problems of creditors in describing on periodic statements property or services obtained from sellers providing a homogeneous merchandise line or property or services which are difficult to describe by departmental category, because purchases are made at a central cash register location or for other reasons. Any proposed solutions to those problems should be included.

4. The problems or suggestions consumers may have regarding identifying transactions on their open end credit account statements in general.

The deadline for receipt of written comments on the proposed amendments is June 18, 1976. Comments should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments should include a reference to Docket No. R-0036.

Pursuant to the authority granted in 15 U.S.C. § 1604 (1970) the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. To fully implement § 411, Title IV, Pub. L. 93-495, § 226.7(b)(1)(ii) would provide, and a new § 226.7(k) would be added, as follows:

**§ 226.7 Open End Credit Accounts—Specific Disclosures.**

* * * * *

(b) Periodic statements required (1) * * *

* * * * *

(ii) The information required by § 226.7(k).

* * * * *

(k) *Identification of transactions* (1) Each extension of credit for which an actual copy of the document evidencing the credit transaction (which does not include a so-called "facsimile draft") accompanies the periodic statement on which the transaction is first reflected shall be identified by disclosing on the periodic statement, or on accompanying statement(s) or document(s), the amount of the transaction and either the date of the transaction or the date the transaction is debited to the customer's account.

(2) Each extension of credit for which an actual copy of the document evidencing the credit transaction does not accompany the periodic statement shall be identified by disclosing on or with the periodic statement on which that credit transaction is first reflected at least:

(i) The date on which the transaction took place,[9b] and the amount of the transaction; and

(ii) A brief identification[9c] of any property or services purchased for trans-

[9b] With respect to transactions which are not billed in full on any single statement but for which precomputed installments are billed periodically, the date the transaction takes place for purposes of this paragraph shall be deemed to be the date on which the amount is debited to the customer's account.

[9c] For purposes of this paragraph, designations such as "merchandise" or "miscellaneous" shall not be considered sufficient identification of property or services, but a reference to a department in a sales establishment which accurately conveys the identification of the type(s) of property or services which are available in such department shall be sufficient under this paragraph. Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

actions in which the creditor and the seller are the same person or related persons,[93] or the seller's name (as disclosed on the document evidencing the transaction provided to the customer) and the address (city and State or foreign country, using understandable and generally accepted abbreviations if the creditor so desires) where the transaction took place for transactions in which the creditor and the seller are not the same person or related persons.

(3) Notwithstanding the provisions of §§ 226.7(k)(1) and 226.7(k)(2), transactions involving nonsale credit, such as a cash advance or an overdraft or other checking plan transactions, shall be identified on or with the periodic statement upon which the transaction is first reflected by providing at least:

(i) An actual copy of the document evidencing the transaction which shows the amount of the transaction and either the date of the transaction, the date the transaction was debited to the customer's account, or the date placed on the document or instrument by the customer (if the customer signed the document or instrument); or

(ii) A description of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount of the transaction and the date of the transaction[94] or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument).

(4)(i) For any transaction for which any of the information required to be disclosed under §§ 226.7(k) (1), (2), or (3), as applicable, is not available the creditor shall disclose that information which is available and shall:

(A) Without affecting the customer's ability to make inquiry under § 226.14, disclose an identifying number or symbol which appears on the document evidencing the transaction given to or used by the customer at the time of or in connection with the transactions, which identifying number or symbol need only be disclosed once for any transaction; or

(B) Treat the absence of the information required by §§ 226.7(k) (1), (2), or (3), as applicable, as a billing error, as provided in §§ 226.2(j) and 226.14. If a customer submits a proper written notification of a billing error relating to the absence of such information and the information was, in fact, not disclosed as required by §§ 226.7(k) (1), (2), or (3) as applicable, the transaction shall be treated as an erroneous billing under § 226.14(b) and documentary evidence of the transaction must be furnished whether or not the customer requests it (despite the provisions of §§ 226.2(j) and 226.14(a)(2)), within the time period allowed in § 226.14 for resolution of a billing error, without charge to the customer.

(ii) The provisions of § 226.7(k)(4)(i) shall not relieve the creditor of responsibility for maintaining procedures reasonably adapted to enable the creditor to obtain the primarily required information at the time the amount of the transaction is transmitted to the creditor for debiting to the customer's account.

(5) In any case in which a transaction occurs other than in a State:

(i) The creditor may disclose the date of debiting the amount of the transaction to the open end credit account in place of any other date required elsewhere in § 226.7(k); and

(ii) The provisions of § 226.7(k)(4)(i)(B) shall apply and the creditor need not maintain procedures reasonably adapted to procure the information otherwise required by § 226.7(k). (6) In complying with the disclosure requirements of paragraphs 226.7(k) (1), (2), (3), or (4):

(A) The creditor may rely upon and disclose the information supplied by the seller with respect to the date and amount of transactions for which the creditor and the seller are not the same person or related persons.

(B) With regard to disclosing the seller's address where the transaction took place for purposes of § 226.7(k)(2)(ii), the creditor may omit the address or provide an address or other suitable designation which, in the creditor's opinion, will assist the customer in identifying the transaction or in relating the transaction, as reflected, to a document(s) evidencing the transaction previously furnished when no meaningful address is readily available because the transaction took place at a location which is not fixed (for example, aboard a public conveyance), or in the customer's home (in which case "customer's home" or a similar description is sufficient) or because the transaction was the result of a mail or telephone order (in which case "telephone order," "mail order," or similar description is sufficient); provided that any such disclosure made or omitted shall not be for the purpose of circumvention or evasion of this Part.

(iii)(A) If the seller's name as required by § 226.7(k)(2)(ii) is alphabetically abbreviated or otherwise incomplete on the document evidencing the transaction, the creditor may provide a more complete spelling of the seller's name.

(B) If the seller's name as required by § 226.7(k)(2)(ii) is encoded other than by alphabetic abbreviation (for example, by number or symbol not meaningful to the customer) on the document evidencing the transaction, the creditor must disclose the encoded symbol as well as a more complete designation of the seller's name in terms understandable by customers.

(7)(i) As an alternative to the provisions of §§ 226.7(k)(1) through 226.7(k)(5), from [date to be supplied upon completion of amendatory process] until October 28, 1977: (A) the creditor may disclose the date of debiting the amount of the transaction to the customer's account for the date of the transaction or the date placed on the document evidencing a credit transaction if, due to operational limitations, either such date is unavailable to the creditor for purposes of billing; and the creditor may disclose an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the credit transaction in place of the seller's name and address or description of the property or services purchased if, due to operational limitations, such information is unavailable to the creditor for purposes of billing; or (B) the creditor may identify the transaction by disclosing such information as is reasonably available and treating the absence of the information required by §§ 226.7(k) (1), (2), or (3), as applicable, as a billing error, as provided in §§ 226.2(j) and 226.14. If a customer submits a proper written notification of a billing error relating to the absence of such information and the information was, in fact, not disclosed as required by §§ 226.7(k) (1), (2), or (3), as applicable, the transaction shall be treated as an erroneous billing under § 226.14(b) and documentary evidence of the transaction must be furnished whether or not the customer requests it (despite the provisions of §§ 226.2(j) and 226.14(a)(2)), within the time period allowed in § 226.14 for resolution of a billing error, without charge to the customer.

(ii) The effective date of §§ 226.7(k)(1) through 226.7(k)(6)(i), inclusive, is [date to be supplied upon completion of amendatory process]. Until [date to be supplied upon completion of amendatory process], the creditor shall disclose the date of each extension of credit or the to the account during the billing cycle, date such extension of credit is debited the amount of such extension of credit and, unless previously furnished, a brief identification[95] of any goods or services purchased or the extension of credit.

2. Section 226.7(b)(1)(iii) would be amended by the deletion of the period at

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[93] For purposes of paragraph 226.7(k) a person is not related to the creditor simply because the person and the creditor have an agreement or contract pursuant to which the person is authorized to honor the creditor's credit card under the terms specified in the agreement or contract. Franchised or licensed sellers of a creditor's product shall be considered to be related to the creditor for purposes of paragraph 226.7(k). Sellers who assign or sell open end customer sales accounts to a creditor or arrange for such credit under an open end credit plan which allows the customer to use the credit only in transactions with that seller shall be considered related to the creditor for purposes of § 226.7(k).

[94] In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for purposes of this paragraph.

[95] Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

the end thereof and the addition of the following: ", except that the date of crediting to the customer's account need not be provided if a delay in crediting does not result in the imposition of any finance charges, late payment charges, or other charges for that billing cycle or a later billing cycle."

3. Section 226.7(c)(1) would be amended to read as follows:

**§ 226.7 Open end credit accounts—specific disclosures.**

* * * * *

(c) * * *

(1) The information required to be disclosed under paragraph (b)(1)(ii) of this section and itemization of the amounts and dates required to be disclosed under paragraph (b)(1)(iii) of this section and of the amount of any finance charge required to be disclosed under paragraph (b)(1)(iv) of this section may be made on the reverse side of the periodic statement or on a separate accompanying statement(s), provided that the totals of the respective debits and credits under each of those paragraphs are disclosed on the face of the periodic statement.

4. Section 226.13(i)(4) would be amended to add a footnote as follows:

**§ 226.13 Credit card transactions—special requirements.**

* * * * *

(i) Right of cardholder to assert claims or defenses against card issuer. * * *

(4) If the cardholder refuses to pay the amount of credit outstanding with respect to the property or services which gave rise to the claim(s) or defense(s) under this section, the creditor may not report to any person that particular amount as delinquent until the dispute is settled or judgment is rendered.[15a]

By order of the Board of Governors, May 7, 1976.

THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.76-14363 Filed 5-17-76;8:45 am]

[15a] Nothing in this paragraph prohibits a creditor from reporting the disputed amount or account as being in dispute.

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### [ 20 CFR Part 901 ]

### ENROLLMENT OF ACTUARIES

### Proposed Procedures and Requirements

By a notice of proposed rulemaking, published in the Federal Register for Wednesday, August 27, 1975, (40 FR 38171), regulations with respect to rules establishing requirements for eligibility to perform actuarial services under the Employee Retirement Income Security Act of 1974 (ERISA) were proposed to be prescribed by the Joint Board for the Enrollment of Actuaries. In such proposed regulations, § 901.13 was reserved to deal with the eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976. Notice is hereby given that the regulations set forth below in tentative form are proposed to be prescribed by the Joint Board for the Enrollment of Actuaries in order to provide rules dealing with the eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976.

Consistent with the legislative history of ERISA, § 901.13 would require individuals applying for enrollment on or after January 1, 1976, to meet more stringent requirements than those applying for enrollment before January 1, 1976.

The experience requirement for individuals applying on or after January 1, 1976 is the same as for pre-1976 applicants, except only experience during the 10 year period immediately preceding the date of application will be considered as satisfying the post-1975 requirements, compared to 15 years for the pre-1976 requirements.

The regulations proposed herein set forth a basic actuarial knowledge requirement, as indicated in section 3042 of ERISA. The basic actuarial knowledge requirement may be satisfied by successful completion of an examination prescribed by the Joint Board, successful completion of a proctored examination given by an actuarial organization and determined by the Joint Board to be equivalent to its examination, or by having received a bachelor's or higher degree with a major in actuarial mathematics or the equivalent.

In addition to the basic actuarial knowledge requirement, the regulations set forth a pension actuarial knowledge requirement to assure knowledge in specialized areas of actuarial knowledge relating to pension plans. The pension actuarial knowledge requirement may be satisfied by successful completion of an examination prescribed by the Joint Board or by successful completion of a proctored examination given by an actuarial organization and determined by the Joint Board to be equivalent to its pension examination.

Successful completion of these actuarial knowledge requirements will require a higher level of competence than that required for individuals applying for enrollment before January 1, 1976.

To be enrolled under the Joint Board examinations will require passing two examinations, one in basic actuarial mathematics and one in pension actuarial mathematics, compared to a single Joint Board examination for pre-1976 applicants. The basic actuarial mathematics examination will cover areas not covered by the test for pre-1976 applicants. The pension actuarial mathematics examination will cover the same general subject matter as the pre-1976 examination except that it will also include the calculations to be made on plan terminations. Further, the Joint Board contemplates that the post-1975 examination will require a higher level of competence than the pre-1976 examinations.

Successful completion of proctored examinations of actuarial organizations will be allowed in place of Joint Board examinations only if, after careful analysis, the Joint Board determines such examinations are at least equivalent to Joint Board examinations. Although examinations of actuarial organizations were recognized for pre-1976 applicants, there was no requirement that such examinations be determined equivalent to Joint Board examinations.

An educational requirement in the form of a bachelors or higher degree in actuarial mathematics or a degree with equivalent course content will be accepted in lieu of the basic actuarial examination of the Joint Board (or the equivalent examinations of an actuarial organization). Actuarial degree programs vary, and fall into several patterns. It is contemplated that an individual claiming to have an equivalent degree will be required to provide a transcript of his academic work, which will be compared with various degree programs in actuarial mathematics.

The pre-1976 requirements had an educational requirement of a degree in actuarial science or a degree in mathematics, statistics or computer science with at least 6 semester hours or 9 quarter hours of courses in life contingencies. This alternative, available for pre-1976 applicants, did not require the equivalent of a degree in actuarial mathematics, but was designed only to assure at least minimal knowledge of certain subjects used in actuarial science.

An applicant with a degree in actuarial mathematics will not be required to take the basic actuarial examination of the Joint Board, (or the equivalent examinations of an actuarial organization) but will be required to take a pension actuarial examination. Pre-1976 applicants with a degree in actuarial science were not required to pass any actuarial examination of the Joint Board or any actuarial organization.

In addition, the proposed rules providing for denial of an application for enrollment if the applicant is found to have engaged in disreputable conduct are different than the rules applicable to pre-1976 applicants.

Before final adoption of the proposed rules set forth below, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably seven copies) to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, on or before June 17, 1976. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Executive Director on or before June 17, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a

hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 3042, Subtitle C of Title 3 of the Employee Retirement Income Security Act of 1974. (88 Stat. 1002, 29 U.S.C. 1241, 1242.)

As proposed § 901.13 reads as follows:

**§ 901.13 Eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976.**

(a) *In general.* An individual applying on or after January 1, 1976, to be an enrolled actuary, must fulfill the experience requirement of paragraph (b) of this section, and the pension actuarial knowledge requirement of paragraph (c) of this section, and the pension actuarial knowledge requirement of paragraph (d) of this section.

(b) *Qualifying experience.* Within a 10 year period immediately preceding the date of application, the applicant shall have completed either:

(1) A minimum of 36 months of responsible pension actuarial experience, or

(2) A minimum of 60 months of responsible actuarial experience, including at least 18 months of responsible pension actuarial experience.

(c) *Basic actuarial knowledge.* The applicant shall demonstrate knowledge of basic actuarial mathematics and methodology by one of the following:

(1) *Joint Board basic examination.* Successful completion, to a score satisfactory to the Joint Board, of an examination, prescribed by the Joint Board, in basic actuarial mathematics and methodology including compound interest, principles of life contingencies, commutation functions, multiple-decrement functions, and joint life annuities.

(2) *Organization basic examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board basic examination referred to in subparagraph (C) (1) of this section.

(3) *Qualifying formal education.* Receipt of a bachelor's or higher degree from an accredited college or university after the satisfactory completiion of a course of study:

(i) In which the major area of concentration was actuarial mathematics, or

(ii) Which included at least as many semester hours or quarter hours each in mathematics, statistics, actuarial mathematics and other subjects as the Board determines represent equivalence to par- (c) (1) of thi ssection.

(d) *Pension actuarial knoweldge.* The applicant shall demonstrate pension actuarial knowledge by one of the following:

(1) *Joint Board pension examination.* Successful completion, to a score satisfactory to the Joint Board, of an examination, prescribed by the Joint Board, in actuatial mathematics and methodology relating to pension plans, including the provisions of ERISA relating to the minimum funding requirements and allocation of assets on plan termination.

(2) *Organization pension examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board pension examination referred to in paragraph (1) of this section.

(e) *Denial of enrollment.* An applicant may be denied enrollment if:

(1) The Joint Board finds that the applicant, during the 15-year period immediately preceding the date of application and on or after the applicant's eighteenth birthday has engaged in disreputable conduct. The term disreputable conduct includes, but is not limited to:

(i) An adjudication, decision, or determination by a court of law, a duly constituted licensing or accreditation authority (other than the Joint Board), or by any federal or state agency, board, commission, hearing examiner, administrative law judge, or other official administrative authority, that the applicant has engaged in conduct evidencing fraud, dishonesty or breach of trust.

(ii) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Department of the Treasury or the Department of Labor or any officer or employee thereof in connection with any matter pending or likely to be pending before them, knowing such information to be false or misleading.

(iii) Willfully failing to make a federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any federal tax or payment thereof, knowingly counseling or suggesting to a client or prospective client an illegal plan to evade federal taxes or payment thereof, or concealing assets of himself or another to evade federal taxes or payment thereof.

(iv) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Department of the Treasury or the Department of Labor by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(v) Disbarment or suspension from practice as an actuary, attorney, certified public accountant, or public accountant by any duly constituted authority of any state, possession, territory, Commonwealth, the District of Columbia, or by any Federal Court of record.

(vi) Contemptuous conduct in connection with matters before the Department of the Treasury, or the Department of Labor, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(2) The applicant has been convicted of any of the offenses referred to in section 411 of ERISA.

(3) The applicant has submitted false or misleading information on an application for enrollment to perform actuarial services or in any oral or written information submitted in connection therewith or in any report presenting actuarial information to any person, knowing the same to be false or misleading.

Approved for publication in the FEDERAL REGISTER.

Dated: May 4, 1976.

[SEAL] ROWLAND E. CROSS,
*Chairman, Joint Board for the Enrollment of Actuaries.*

[FR Doc.76-14445 Filed 5-17-76;8:45 am]

## VETERANS ADMINISTRATION

### [ 38 CFR Part 21 ]

### VETERANS EDUCATION

### Counseling; Change or Reentrance

The following regulatory change is made to modify existing provisions.

Section 21.4106 is amended to delete the requirement that the Veterans Administration counselor shall refer to the Vocational Rehabilitation Board recommendations disapproving reentrance into training or changes of programs of a veteran or eligible person following discontinuance due to unsatisfactory progress or conduct.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before June 17, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these changes effective on the date of final approval.

In § 21.4106, paragraph (b) is revised to read as follows:

**§ 21.4106 Counseling; change or reentrance.**

* * * * *

(b) *Approval.* The counselor will recommend approval of a change of pro-

gram or reentrance into the same program, if he or she finds that the program which the veteran or eligible person proposes to pursue is suitable to his or her aptitudes, interests, and abilities; and where the veteran's or eligible person's program has been interrupted, or he or she has failed to progress in, his or her program due to his or her own misconduct, neglect or lack of application, the cause for the unsatisfactory conduct or progress has been removed and there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress. Subject to this approval criteria, approval for changes of program subsequent to the second change may be recommended.

Approved: May 11, 1976.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

[FR Doc.76-14469 Filed 5-17-76;8:45 am]

# notices

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

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### INCOME TAX TREATY NEGOTIATIONS

The Treasury Department today announced the countries with which it is engaged in income tax treaty negotiations, released the text of its current "model" income tax treaty, and invited comments.

The Treasury Department has a general policy of announcing initial income tax treaty negotiations with particular countries, and giving an opportunity for comment. However, often negotiations are scheduled on short notice, making notice impractical, and often negotiations extend over a period of several years, so that earlier comments no longer reflect current problems. In order to give better guidance and in order to obtain comments from interested persons, the Treasury Department today announced that negotiations are currently in process (or contemplated in the near future) with the following countries:

| | |
|---|---|
| Australia | Jamaica |
| Bangladesh | Malta |
| Botswana | Morocco |
| Brazil | Netherlands |
| Canada | Singapore |
| Costa Rica | Spain |
| Denmark | Tunisia |
| India | Yugoslavia |
| Iran | Zambia |

The Treasury Department would welcome amendments to previous comments, or new or supplemental comments concerning negotiations with those countries. Comments should be sent in writing to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220. In addition, the Treasury Department always welcomes comments with respect to the advisability of entering into or revising income tax treaties with any country.

The Treasury Department also made available today the text of its current "model" income tax treaty. The Treasury Department is currently suggesting this model as a starting point for negotiations. The model conforms closely to the revised draft treaty now being developed by the Organization for Economic Cooperation and Development. Any comments on this model may also be sent to Charles M. Walker.

The Treasury Department also announced today that negotiations are completed or are approaching completion with the following countries:

| | |
|---|---|
| Indonesia | Republic of China |
| Kenya | (Taiwan) |
| Philippines | South Korea |

Income tax treaties with Cyprus, Egypt, Israel, and the United Kingdom were signed on April 19, 1974, October 28, 1975, November 20, 1975, and December 31, 1975, respectively. The treaties with Egypt and Israel have been submitted to the Senate for approval.

Dated: May 13, 1976.

ROBERT J. PATRICK, Jr.,
*International Tax Counsel and Director, Office of International Tax Affairs.*

[FR Doc.76-14444 Filed 5-17-76;8:45 am]

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[Department Circular, Public Debt Series No. 13-76]

### TREASURY NOTES OF SERIES M-1978

### Dated and Bearing Interest From June 1, 1976

I. INVITATION FOR TENDERS

Due MAY 31, 1978.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,250,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series M-1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 19, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 6 percent Treasury Notes of Series M-1976 maturing May 31, 1976, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated June 1, 1976, and will bear interest from that date, payable on a semiannual basis on November 30, 1976, May 31, 1977, November 30, 1977, and May 31, 1978. They will mature May 31, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 19, 1976. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 99.750. That rate of interest will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,250,000,000 of notes offered, and his action in any such respect shall be final. Subpect to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price [1] (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before Tuesday, June 1, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated May 31, 1976, should be detached), in other funds immediately available to the Treasury by June 1, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, May 26, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, May 24, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series M–1978 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series M–1978 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON,
*Acting Secretary of the Treasury.*

[FR Doc.76–14533 Filed 5–14–76;1:34 pm]

[1] Average price may be at, or more or less than 100.000.

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT

### Advisory Committee Meeting

The Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 9–10 June 1976 at the Central Intelligence Agency, Langley, Virginia.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for US technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining critical intelligence technical requirements of the Department of Defense, the ways in which answers to these requirements would influence future US R&D/operational actions, any time urgency associated with the requirements and collection methods for satisfying these requirements.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

MAY 12, 1976.

[FR Doc.76–14404 Filed 5–17–76;8:45 am]

## DEPARTMENT OF JUSTICE

### Antitrust Division

### UNITED STATES V. HALLIBURTON COMPANY CIVIL NO. 73 CIV. 1806

### Extension of Public Comments

Notice is hereby given that the time for public comment on a proposed consent judgment in the above-captioned action has been extended until 10 A.M., June 4, 1976. The proposed consent judgment and competitive impact statement were published in the FEDERAL REGISTER for April 5, 1976, Vol. 41, No. 66, FR Doc. 76–9609.

Dated: May 13, 1976.

CHARLES F. B. MCALEER,
*Assistant Chief, Judgments and Judgment Enforcement Section.*

[FR Doc.76–14454 Filed 5–17–76;8:45 am]

### Law Enforcement Assistance Administration

### NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

### Notice of Change of Meeting

This is to provide notice of change of meeting for the Juvenile Justice and De-

linquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of May 21 and 22, 1976.

The Juvenile Justice and Delinquency Prevention Task Force will meet on June 4–5, 1976. The meeting will be held at the Airport Marina Hotel, 1380 Bayshore Highway, Burlingame, California. The meeting will be open to the public.

The tentative agenda includes the following items:

REPORT OF THE NAC MEETING

REVIEW OF THE DRAFT STANDARDS VOLUME

Part I—Introduction
Part II—Delinquency Prevention
Part III—Police
Part IV—Judicial Process
Part V—Corrections
Part VI—Planning and Evaluation in the Juvenile Justice System

Meeting Times: June 4 & 5—8:30 a.m.–5 p.m.

For further information, contact Richard VanDuizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
*Attorney-Advisor,*
*Office of General Counsel.*

[FR Doc.76–14401 Filed 5–17–76;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### MOHAVE TRIBE OF INDIANS

### Plan for the Use and Distribution of Mohave Judgment Funds Awarded in Dockets 283 and 295 Before the Indian Claims Commission

MAY 6, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Mohave Tribe of Indians in Indian Claims Commission Dockets 283 and 295. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 23, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on February 2, 1976, and by the Senate on February 3, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 12, 1976, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Mohave Indians who are members of the Colorado River Indian Tribes and to the Fort Mojave Tribe in Dockets 283 and 295 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and expenses, shall be used and distributed as herein provided.

DIVISION OF THE JUDGMENT FUNDS

A roll shall be prepared in accordance with the procedures enacted by the tribal governing body and approved by the Secretary of the Interior (hereinafter 'Secretary'), of all members of the Fort Mojave Tribe of the Fort Mojave Reservation who were born on or prior to and living on the effective date of this plan.

In addition, pursuant to rules and regulations published in the FEDERAL REGISTER, the Secretary shall prepare a separate roll of those members of the Colorado River Indian Tribes of the Colorado River Indian Reservation who are lineal descendants of the aboriginal Mohave Tribe, who did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970, 84 Stat. 868, and who were born on or prior to and living on the effective date of this plan.

After the completion of both rolls, the Secretary shall divide the funds, except for an amount of $131,641.93, including all interest and investment income accruing thereon, between the Fort Mojave Tribe and the eligible Mohave members of the Colorado River Indian Tribes on a proportional basis as determined by the number enrolled with each group as of the effective date of this plan.

The above-excepted sum of $131,641.93, including all interest and investment income accruing thereon, shall be divided between the two groups on an inverse proportional basis as determined by the number enrolled with each group as of the effective date of this plan.

THE FORT MOJAVE TRIBE

The entire amount of the Fort Mojave Tribe's share of these funds shall be utilized by the tribe for the purposes and in the percentages described below, as approved by the Secretary.

*Forty (40) percent for community and commercial development.* To be used as matching funds for the construction of a community hall and a building to house the small businesses of the tribal members; priorities for construction shall be determined by the tribal governing body.

*Fifteen (15) percent for consultant and legal fees.*

*Ten (10) percent for an emergency medical fund and for health benefits for elderly tribal members.*

*Ten (10) percent for a bus to provide transportation for tribal members.*

*Ten (10) percent for educational purposes.*

*Fifteen (15) percent for a reserve fund for tribal programs.* Should the funds in any of the above-cited categories be determined to be in excess of needs, the tribal governing body, on an annual budgetary basis, may make appropriate adjustments from one category to another, subject to the approval of the Secretary.

MOHAVE DESCENDANTS OF THE COLORADO RIVER INDIAN TRIBES

The Secretary shall make a per capita distribution of the totality of the Colorado River Mohave share of the funds, in a sum as equal as possible, to each eligible Mohave descendant enrolled pursuant to the provisions of this plan.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, in excess of $100, including all investment income accruing thereto, will be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, will be placed in a private trust as approved by the Secretary. In those cases where a minor would reach the age of eighteen within six months after establishment of a trust, such funds shall instead be retained in IIM accounts. Upon reaching the age of eighteen, unless under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. If a minor's per capita share is not in excess of $100, it may be expended for the minor's benefit as provided in 25 CFR 104.4."

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc. 76–14392 Filed 5–17–76;8:45 am]

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### Bureau of Land Management

[OR 15675 (Wash.)]

### WASHINGTON

### Proposed Withdrawal and Reservation of Land

MAY 7, 1976.

The Corps of Engineers, U.S. Department of the Army, has filed application, serial No. OR 15675 (Wash.), for withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and mineral leasing laws.

The applicant desires the land for the Box Canyon Public Use Site, Chief Joseph Dam Project, on the Columbia River in Washington.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than June 12, 1976, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 N.E. Oregon Street), Portland, Oregon 97208.

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 land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not

the land will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is as follows:

WILLAMETTE MERIDIAN

BOX CANYON PUBLIC USE SITE

T. 30 N., R. 27 E.,
Sec. 19, lot 7;
Sec. 20, lot 5;
Sec. 27, lot 4;
Sec. 28, lots 2, 3, 4, 5, and 6, S½NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 29, lots 1 and 2 and NE¼NW¼;
Sec. 34, lots 3, 4, 5, and 6, SW¼NW¼, E½SW¼, and SW¼SE¼.

The area described includes approximately 867.59 acres in Douglas County, Washington.

HAROLD A. BERENDS,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.76-14393 Filed 5-17-76;8:45 am]

## National Park Service

### NATIONAL REGISTER OF HISTORIC PLACES

### Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 13, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before May 28, 1976.

WILLIAM J. MURTAGH,
*Acting Director, Office of Archeology and Historic Preservation.*

#### ARIZONA

*Pima County*

Tucson, *Armory Park Historic Residential District*, E. 12th St. to 19th St., Stone Ave. to 2nd Ave.

#### HAWAII

*Maui County*

Keoniolo vicinity, *Hoaptli Trail*, E of Keoniolo near Piilani Highway (HI 31).

#### INDIANA

*Ada County*

Boise, *Immanuel Evangelical Lutheran Church*, 707 W. Fort.

*Bonneville County*

Idaho Falls vicinity, *Wasden Site (Owl Cave)*, W of Idaho Falls off U.S. 20.

#### IOWA

*Buena Vista County*

Albert City, *Albert City Depot*, Main and Railway Sts.

*Clayton County*

Elkader, *Elkader Keystone Bridge*, Bridge St.

*Clinton County*

Slinton, *Young, W. J., Company Machine Works*, 10th Ave. S. and 1st St.

*Jasper County*

Lynnville, *Lynnville Mill and Dam*, East St.

*Johnson County*

Iowa City, *C.S.A. (Czecho Slovakian Association) Hall*, 524 N. Johnson St.
Iowa City, *McCollister, James, Farmstead*, SE of jct. of U.S. 6 and U.S. 218.

*Linn County*

Cedar Rapids, *Paramount Theater Building*, 121–127 3rd Ave., SE, 305–307 2nd St., SE.

*Madison County*

Winterset, *Madison County Courthouse*, City Square.

*Polk County*

Des Moines, *Iowa State Capitol Building*, Grand Ave. and E. 12th St.

#### LOUISIANA

*Orleans Parish*

New Orleans, *Williams Mansion (Milton H. Latter Memorial Library)*, 5120 St. Charles Ave.

#### MARYLAND

*Cecil County*

Colora, *Colora Meeting House*, Lipencott Rd.

#### MINNESOTA

*Blue Earth County*

Mankato, *Hubbard, R. D., House*, 606 S. Broad St.

*Dodge County*

Kasson, *Kasson Water Tower*, 4th Ave. NW.

*Goodhue County*

Red Wing, *Sheldon, Theodore B., House*, 805 W. 4th St.

*Hennepin County*

Edina, *Edina Mills Site*, Browndale Ave. and W. 50th St.
Minneapolis, *Jones, Harry W., House (Elmwood)*, 5101 Nicollet Ave.
Minneapolis, *Legg, Harry F., House*, 1601 Park Ave. S.

*Rice County*

Northfield, *Old Main, St. Olaf College*, St. Olaf College campus.

*St. Louis County*

Duluth, *Bergetta Moe Bakery*, 716 E. Superior St.

*Stearns County*

St. Cloud, *St. Cloud Post Office/City Hall*, 314 St. Germain St.

*Steele County*

Owatonna, *Owatonna Free Public Library*, 105 N. Elm St.
Owatonna, *Steele County Courthouse*, 111 E. Main St.

*Washington County*

Cottage Grove vicinity, *Severance, Cordenio, House*, NE of Cottage Grove.
Scandia vicinity, *Erickson, Johannes, Log House*, S of Scandia on CR 3.

*Winona County*

Winona, *Choate Building*, 51 E. 3rd St.

#### MISSISSIPPI

*Adams County*

Natchez vicinity, *Elizabeth Female Academy Site*, E of Natchez.

*Chickasaw County*

Houston vicinity, *Bynum Mounds*, E of Houston.

*Claiborne County*

Port Gibson vicinity, *Mangum Mound*, 6 mi. NE of Port Gibson.

*Itawamba County*

Kirkville vicinity, *Pharr Mounds*, 4 mi. E of Kirkville (also in Prentiss County).

*Madison County*

Ridgeland vicinity, *Boyd Mounds*, NE of Ridgeland.

*Tishomingo County*

Tishomingo vicinity, *Bear Creek Site*, 5 mi. E of Tishomingo.

#### MISSOURI

*Dunklin County*

Kennett vicinity, *Kennett Archeological Site*, W of Kennett.

#### NEW HAMPSHIRE

*Cheshire County*

Nelson, *Nelson Schoolhouse*, Old Sullivan Road, E of Nelson common.

*Rockingham County*

Exeter, *Gilman Garrison House*, 12 Water Street.
Hampton Falls, *Edgerly Archeological Site*, Depot Ave.
Portsmouth, *Rogers, George, House*, 76 Northwest St.
Portsmouth, *Rundlet-May House*, 364 Middle St.

*Sullivan County*

Claremont vicinity, *Hunter Archeological Site*, NW of Claremont at Ascutney Bridge.

#### NEW YORK

*Suffolk County*

Miller Place, *Miller Place Historic District*, North Country Rd.

*Westchester County*

Ossining, *Jug Tavern*, Revolutionary Rd. and Rockledge Ave.

#### NORTH CAROLINA

*Durham County*

Durham, *St. Joseph's African Methodist Episcopal Church*, Fayetteville St. and Durham Expressway.

#### NORTH DAKOTA

*Burleigh County*

Bismarck, *Bismarck Civic Auditorium*, 201 N. 6th St.

#### OHIO

*Defiance County*

Hicksville, *St. Paul's Episcopal Church*, High St.

*Ottawa County*

Genoa, *Genoa Town Hall*, Main and 6th Sts.

*Wayne County*

Wooster, *Beal, Gen. Reasin, House*, 46 E. Bowman St.

### PENNSYLVANIA

*Dauphin County*

Harrisburg, *McAllister, Archibald, House*, 5300 N. Front St.

### RHODE ISLAND

*Washington County*

Narragansett, *Narragansett Pier Life Saving Station*, 40 Ocean Rd.

### SOUTH CAROLINA

*Aiken County*

Aiden vicinity, *Dawson-Vanderhorst House*, Wire Rd. and New Bridge Rd.

*Calhoun County*

Fort Motte vicinity, *Zante Plantation*, SE of Fort Motte off SC 601.

*Darlington County*

Hartsville, *Hartsville Passenger Station*, 114 S. 4th St.

*Hampton County*

Brunson vicinity, *Oak Grove*, SW of Brunson.

*McCormick County*

McCormick, *Dorn's Flour and Grist Mill*, SC 28.

*Newberry County*

Newberry, *Newberry College Historic District*, 2100 College St.

*Union County*

Union, *Meng House*, 117 Academy St.

### TEXAS

*Bexar County*

San Antonio, *San Antonio Loan and Trust Building*, 235 E. Commerce St.

*Brazoria County*

East Columbia, *Underwood, Ammon, House*, Main St.

*Colorado County*

Columbus, *Colorado County Courthouse*, bounded by Milam, Spring, Travis, and Walnut Sts.

*Crockett County*

Ozona vicinity, *Turkey Roost Petroglyph Site*, 13 mi. NW of Ozona.

*DeWitt County*

Yorktown, *Eckhardt Stores*, Eckhardt and Main Sts.

*Galveston County*

Texas City, *Davidson, Frank B., House*, 109 3rd Ave. N.

*Goliad County*

Goliad, *Goliad County Courthouse Historic District*, SW of jct. of Pearl St. and U.S. 183.

*Kendall County*

Boerne, *Kendall Inn*, off. U.S. 87.

*Medina County*

Castroville vicinity, *D'Hanis Historic District*, 25 mi. W of Castroville off U.S. 90.

*Nacogdoches County*

Nacogdoches, *Sterne, Adolphus, House*, 211 S. Lanana St.

*Nueces County*

Corpus Christi, *Nueces County Courthouse*, Mesquite and Belden Sts.

*Panola County*

Carthage, *Panola County Jail*, 110 N. Shelby St.

*Presidio County*

Presidio vicinity, *La Junta de Los Rios Archeological District*, Rio Grand and U.S. 67.

Shafter vicinity, *Fortin de la Cienega*, about 15 mi. NE of Shafter.

*Runnels County*

Miles, *Thiele, J., Building*, Robinson and 2nd Sts.

*Shackelford County*

Albany, *Shackelford County Courthouse Historic District*, Courthouse Square.

*Tarrant County*

Fort Worth, *Fort Worth Stockyards Historic District*, roughly bounded by 23rd, Houston, 28th Sts. and railroad tracks.

*Travis County*

Austin, *Austin Moonlight Towers*, most located in southern part of city.

Austin, *Clarksville Historic District*, bounded by W. Lynn, Waterston, W. 10th and MoPac Expressway.

Austin, *Paramount Theatre*, 713 Congress Ave.

Austin, *Sheeks-Robertson House*, 610 W. Lynn.

*Washington County*

Brenham, *Giddings-Stone Mansion*, 204 E. Stone St.

Independence vicinity, *Hoxey, Asa, House*, W of Independence.

### UTAH

*Sanpete County*

Moroni, *Faux, Jabez, House and Barn*, UT 132.

*Sevier County*

Redmond, *Redmond Town Hall*, 18 W. Main St.

### VERMONT

*Addison County*

Vergennes, *Vergennes Historic District*, U.S. 7.

*Rutland County*

Rutland, *Rutland Courthouse Historic District*, U.S. 7.

### VIRGINIA

*Albemarle County*

Scottsville, *Scottsville Historic District*, VA 6 (also in Fluvanna County).

*Norfolk (independent city)*

*Fort Norfolk*, 803 Front St.

*Page County*

Luray vicinity, *Massanutton Heights*, U.S. 211.

*Petersburg (independent city)*

*Appomattox Iron Works*, 20–28 Old St.

*Friend, Nathaniel, House*, 27–29 Bollingbrook St.

*Richmond (independent city)*

*Jackson Ward Historic District*, roughly bounded by Duval, Board, 6th, and Gilmer Sts.

*Pace-King House*, 205 N. 19th St.

*Scott County*

Maces Spring vicinity, *Carter, A. P., Homeplace*, S of Maces Spring off VA 614.

*Smyth County*

Saltville, *Preston House*, off VA 107.

### WASHINGTON

*Clallam County*

Port Angeles vicinity, *Humes Ranch Cabin*, SE of Port Angeles on Elwha River.

*King County*

Seattle, *Ballard Avenue Historic District*, Ballard Ave. from NW Market to NW Dock Sts.

Seattle, *Holyoke Building*, 1018–1022 1st Ave.

### WISCONSIN

*Grant County*

Bloomington, *Ballantine, James, House*, 4th St.

*Kenosha County*

Kenosha, *Kemper Hall*, 6501 3rd Ave.

*Rock County*

Fulton, *Fulton Congregational Church*, Fulton St.

### PUERTO RICO

*Manati County*

Manati vicinity, *Ingenio Esperanza*, PR 616.

[FR Doc.76–14276 Filed 5–17–76;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### ADVISORY COMMITTEE ON REGULATORY PROGRAMS

### Notice of Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770) notice is hereby given of a meeting of the Advisory Committee on Regulatory Programs established March 5, 1976, by Secretary's Memorandum No. 1895. The Committee will meet at the U.S. Department of Agriculture, Washington, D.C., on June 8–9, 1976. The meeting will begin at 9 a.m. on June 8 in Room 218A, Administration Building, 14th Street and Independence Avenue, SW, and is scheduled to end by 4 p.m. on June 9.

The purpose of this meeting is to review selected regulatory programs and formulate recommendations to the Secretary of Agriculture. The agenda includes a summary and current analysis of USDA regulatory programs.

The meeting is open to the public. The Chairman may invite public participation to the extent time permits. Written statements may be submitted to the Committee either before or after the meeting. Anyone wishing further information pertaining to the agenda or the meeting should contact Donald E. Wilkinson, Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447–5115.

Dated: May 13, 1976.

DONALD E. WILKINSON,
*Administrator.*

[FR Doc.76–14446 Filed 5–17–76;8:45 am]

### Animal and Plant Health Inspection Service

### SALMONELLA ADVISORY COMMITTEE

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–

463), notice is hereby given that a meeting of the Salmonella Advisory Committee will be held on June 17, 1976, beginning at 9 a.m. in Room 3109, South Building, U.S. Department of Agriculture, Washington, D.C.

The following Committee reports will be presented: (1) Processors and Distribution, (2) Breeder and Hatchery, (3) Production, (4) Consumer Education, (5) Research, and (6) Feeds and Feed Ingredients. The Committee will also discuss methods other countries have used to reduce Salmonella and other matters relating thereto.

Space will be reserved for Committee members and scheduled speakers. The public will be admitted on a first come, first serve basis. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to the meeting may be obtained from Room 2165-South, Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250, Area Code (202) 447-3840.

Dated: May 13, 1976.

W. H. DUBBERT,
*Executive Secretary.*

[FR Doc.76-14458 Filed 5-17-76;8:45 am]

## Forest Service

### DIAMOND CREEK PLANNING UNIT

#### Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Diamond Creek Planning Unit, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-15.

A draft environmental statement has been prepared on four possible surface management alternatives for the Diamond Creek Planning Unit. Lands in the Diamond Creek Planning Unit contain extensive, high-grade phosphoria deposits. Three assumed levels of phosphate development on National Forest and nearby lands are presented. Variations of the four surface management alternatives are discussed under each phosphate development level. Pending applications for 71,500 acres of phosphate prospecting permits, 1,770 acres of fringe lease applications, and 4,280 acres of competitive lease applications are also discussed in the Environmental Statement.

The Diamond Creek Environmental Statement closely relates to the U.S. Geological Survey, U.S. Bureau of Land Management, and U.S. Forest Service Interagency Task Force Environmental Statement, entitled "Development of Phosphate Resources in Southeastern Idaho," No. 76-15.

This draft environmental statement was transmitted to CEQ on May 10, 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.
Forest Supervisor, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.
District Forest Ranger, Soda Springs Ranger District, 420 E. Second South, Soda Springs, Idaho 83276.
Regional Planning Office, USDA, Forest Service, Federal Bldg., Room 4408, 324-25th St., Ogden, Utah 84401.
District Forest Ranger, Montpelier Ranger District, 431 Clay, Montpelier, Idaho 83254.

A limited number of single copies are available upon request to Forest Supervisor Adrian E. Dalton, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Adrian E. Dalton, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201, by July 27, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: May 10, 1976.

P. M. REES,
*Director,*
*Regional Planning and Budget.*

[FR Doc.76-14381 Filed 5-17-76;8:45 am]

### LAMB-UPPER WEST BRANCH PLANNING UNIT

#### Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Lamb-Upper West Branch Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-76-.

The environmental statement concerns a proposed land use plan for Lamb-Upper West Branch Planning Unit, Pend Oreille County, Washington, and Bonner County, Idaho. Approximately 101,820 acres are included in the planning unit of which 94,490 acres are National Forest land. This plan allocates resources and specifies land use prescriptions for National Forest land only. Resource information for lands in other ownership is also included for owners/managers to use as they wish.

With the exception of private holdings generally located in meadows and along major creeks, most of the National Forest ownership is continuous. For five of the seven management units the proposed plan would emphasize varrying combinations of timber management, wildlife habitat, and recreation. Wildlife habitat and primitive recreation are the only land uses which would be allocated for a sixth management unit. Appropriate interim land uses would be allocated for the management unit adjacent to a portion of the Priest River being studied as a potential addition to the Wild and Scenic Rivers System.

This draft 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., SW, Washington, DC 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.
USDA Forest Service, Priest Lake Ranger District, Route No. 5, Priest River, ID 83856.

A limited number of single copies are available upon request to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Comments must be received by June 30, 1976 in order to be considered in the preparation of the final environmental statement.

RALPH D. KIZER,
*Forest Supervisor.*

APRIL 30, 1976.

[FR Doc.76-14380 Filed 5-17-76;8:45 am]

## Packers and Stockyards Administration

### MORGAN LIVESTOCK MARKETING, DELTA, COLORADO, ET AL.

#### Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CO–146 Morgan Livestock Marketing, Delta Colorado
CO–147 Stratton Livestock Marketing Center, Stratton, Colorado
KY–160 Bullitt County Stockyards, Shepherdsville, Kentucky
MN–168 Gibbon Feeder Pig Market, Gibbon, Minnesota
MS–156 Wilbanks Stockyard, Carthage, Mississippi
NM–116 Spear Cross Ranch, Tijeras, New Mexico

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by June 2, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 12th day of May 1976.

EDWARD L. THOMPSON,
*Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.*

[FR Doc.76–14443 Filed 5–17–76;8:45 am]

## Rural Electrification Administration

### CAJUN ELECTRIC POWER COOPERATIVE, INC., NEW ROADS, LOUISIANA

#### Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $629,000,000 to Cajun Electric Power Cooperative, Inc., of New Roads, Louisiana. These loan funds will be used to finance a project consisting of two (2) 540 MW coal-fired generating units, railroad coal cars and other items associated with the generating units.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Merle L. Burgin, Manager, Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Burgin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cajun Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of May, 1976.

DAVID A. HAMIL,
*Administrator, Rural Electrification Administration.*

[FR Doc.76–14206 Filed 5–17–76;8:45 am]

## Office of the Secretary

### ADVISORY COMMITTEE ON HOG CHOLERA ERADICATION

#### Meeting

A meeting of the Advisory Committee on Hog Cholera Eradication will be held at 9:00 a.m., on June 17, 1976, in Room 509–A, Administration Building, Washington, DC.

The purpose of the committee is to advise and counsel the Secretary of Agriculture regarding program operations or measures to eradicate hog cholera from this country.

The purpose of this meeting is to review program progress, problems, and recommended actions.

The meeting is open to the public; however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, DC 20250, telephone number (202) 447–3668.

Dated: May 12, 1976.

JOHN W. WALKER,
*Executive Secretary.*

[FR Doc. 76–14375 Filed 5–17–76;8:45 am]

### ADVISORY COMMITTEE ON FOREIGN ANIMAL AND POULTRY DISEASES

#### Notice of Meeting

A meeting of the Advisory Committee on Foreign Animal and Poultry Diseases will be held at 8:30 a.m., on June 2 and 3, 1976, in the Emergency Programs Information Center on the 7th floor of the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of the committee is to advise the Secretary of Agriculture regarding program operations or measures to prevent, suppress, control or eradicate an outbreak of foot-and-mouth disease (FMD) or other destructive foreign animal and poultry diseases in the event such diseases should enter this country.

The purposes of this meeting are to review the status of the Pan American Highway and the Fleming Key Animal Import Center, Fleming Key, Florida, and to discuss other pertinent subjects relating to the threat of introduction and dissemination of foreign animal and poultry diseases into the United States.

The meeting is open to the public, however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. E. C. Sharman, United States Department of Agriculture, Emergency Programs, Veterinary Services, Room 757, Federal Building, Hyattsville, Maryland 20782, telephone number (301) 436–8087.

Dated: May 17, 1976.

E. C. SHARMAN,
*Executive Secretary.*

[FR Doc.76–14650 Filed 5–17–76;9:38 am]

# DEPARTMENT OF COMMERCE

## Office of Import Programs

### APPLICATIONS

#### Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 7, 1976.

Amended regulations issued under cited Act, (15 CFR 301) 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: 76–00384. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, NY 12201. Article: MS 30 Double Beam Mass Spectrometer. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended Use of Article: The article is intended to be used for studies of epoxy and phenolic metabolites of polychlorinated biphenyl (PCB) arising from metabolism by liver microsomal mixed functional oxidases of commercially produced PCB plasticizer mixtures. Investigations

will be conducted (a) to determine the metabolites and intermediates produced in liver metabolism of PCB, (b) to determine which oxidase is responsible for metabolism of PCB and (c) to determine whether the metabolites characterized are implicated in the toxicity of PCB preparations. In another research project, phenolic and alcoholic metabolites of "warfarin" produced by liver metabolism in the rat and human will be studied in pursuit of the following:

(a) Elucidation of the path of detoxification of warfarin in rodents.

(b) A search for possible substitutes for warfarin for rodent control and also in human medicine, and

(c) Elucidation of the mechanism of liver mixed functional oxidase metabolism of aromatic compounds. Organic constitutents of lake and stream water extracted from large volumes of natural waters at different pH and with different extracting solvents will also be investigated. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00385. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 808, Livermore, California 94550. Article: Monochromator type THRP and accessories. Manufacturer: Jobin-Yvon, France. Intended Use of Article: The article is intended to be used in a laser isotope separation program. Specifically the unit will be used in the laser stabilization system as an absolute standard for the setting of the laser array wavelengths. Investigations will be conducted for evaluation of laser stabilization schemes suitable for use in commercial processes for laser photoseparation of isotopes. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00386. Applicant: Virginia Institute of Marine Science, Route 17, Gloucester Point, Virginia 23062. Article: Turbidity Monitor Console consisting of two electronic consoles (modules). Manufacturer: Parteck Ltd., United Kingdom. Intended Use of Article: The article is intended to be used to determine the extent, thickness and rate of movement of the fluid mud which is detrimental to ecology. The unit will be deployed both for time-series measurements and for vertical profiles near the bed. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00387. Applicant: The Pennsylvania State University, Department of Biochemistry & Biophysics, 618 Life Sciences Building, University Park, PA 16802. Article: Cryokit, Model LKB 14800-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used for producing frozen thin-sections of (a) the epiphyseal plate of normal and vitamin D deficient young rats and/or chicks, (b) intestinal mucosa of the same animals, (c) avian shell gland at various phases of the laying cycle, (d) possibly developing teeth of young rats which will be studied in the electron microscope with particular attention being given to the existence and location of the mineral inclusions. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00388. Applicant: Medical College of Ohio, P.O. Box 6190, Arlington at South Detroit, Teledo, Ohio 43614. Article: Scanning Electron Microscope, Model S180. Manufacturer: Cambridge-Imanco, United Kingdom. Intended use of article: This article is intended to be used in various research projects by faculty and students which include the following:

1. Yeast Survival: An Indicator of Environmental Health.
2. Bacterial Control of Aquatic Blue-Green Algae.
3. Quantitative Analysis of Scanning Electron Microscopic Images.
4. Scanning Transmission Electron Microscopy of Autoradiographs.
5. Sertoli Cell—Germ Cell Association.
6. Detection and Measurement of Extracellular Material (Seminiferous Tubules).
7. Structural difference of chemically-treated and untreated normal and abnormal human sperm without any artifact due to a prolonged waiting period.
8. Detecting and estimating the low level of radioactivity in autoradiographs of very small intracellular structures of mouse and sea urchin sperm.
9. Study of mouse egg fertilized under in vitro and in vivo conditions.
10. Other research in anatomy, pathology, obstetrics and gynecology, and surgery.

In addition, the article is intended to be used for educational purposes in the following courses: Electron Microscopy, Scanning Electron Microscopy, Advanced Techniques in Microscopy for anatomy, pathology, microbiology and physiology; and Graduate M.D. training. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00389. Applicant: College of Medicine & Dentistry of New Jersey-Rutgers Medical School, Anatomy Department, P.O. Box 101, Piscataway, New Jersey 08854. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Swden. Intended use of article: The article is intended to be used to section tissues primarily of embryonic or neonatal origin. Experiments to be conducted include a comparison of normal in vitro tissue with treated and/or pathological tissue cultures. These studies will determine the degree of ultrastructural changes as a result of the various treatments. The entire degenerative process characteristic of, for example, Amyotrophic Lateral Sclerosis will be studied at an ultrastructural level. The article will also be used for educational purposes in the course Investigative Methods in Cytology in which students learn to section material for electron microscopy. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00390. Applicant: DHEW/FDA, National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Mass Display and Marker—accessory for CH-5 mass spectrometer. Manufacturer: Varian-MAT, West Germany. Intended Use of Article: The articles are accessories which will be added to an existing Field-Desorption Mass Spectrometer that is currently being utilized to investigate the chemical structural identity of carcinogenic residues from animal tissue, blood, urine and feces. These accessories are required for determining exact mass starting values and mass peak apex determination for data acquisition which is now necessary under current research protocols. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00391. Applicant: Laboratory of Neuro-otolaryngology, NINCDS, National Institutes of Health, Building 36, Room 5D32, Bethesda, Maryland 20014. Article: Manipulator frame with pneumatic locking device and coordinate adjustment and Insulated Base Plate with animal mounting frame. Manufacturer: AB Transvertex, Sweden. Intended Use of Article: The articles are accessories to an existing micromanipulator which will be used to record activity from single cells of the organ of Corti and from single nerve fibers of the auditory nerve in the cat, in other mammals, and in organ culture. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00392. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Weather Station, RIMCO MKIII and accessories. Manufacturer: Rauchfuss Instruments and Staff Pty. Ltd., Australia. Intended Use of Article: The article is intended to be used to accomplish the objectives of National Science Foundation Grant ATM75-15513, "The Paleoclimate of the Quelccaya Ice Cap, Peru, and its relationship to Paleoclimate in high latitudes." The following specific observations will be conducted:

At one or, preferably, two sites on the ice cap (at the top of the main and southern domes) long-period self-recording weather stations will be erected. Records of wind velocity and direction, dry-bulb temperature, sunshine duration, atmospheric pressure and humidity will be recorded over the following 12-month period.

During the period of the field work on the ice cap standard surface meteorological observations will be made at synoptic hours, including surface wind velocity and direction (handheld instrument), dry- and wet-bulb temperatures (sling psychrometer), atmospheric pressure (aneroid), and sunshine duration (sunshine recorder). The primary purpose of these observations is to calibrate and establish the reliability of the self-recording systems, but they will also be of value, when used in conjunction with satellite photographs, for preliminary interpretations of the variations of data obtained on the 1975 specimens.

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

Application Received by Commissioner of Customs: April 27, 1976.

RICHARD M. SEPPA,
*Director, Special Import Programs Division.*

[FR Doc.76-14333 Filed 5-17-76;8:45 am]

## National Oceanic and Atmospheric Administration

### CLIMATE AND HEALTH WORKSHOP

#### Notice of Workshop

Announcement is made of the following interagency workshop:

Name: Climate and Health Workshop.
Dates and Times: June 8, 1976 (0900–1700); June 9, 1976 (0900–1500).
Place: Conference room, National Institute for Environmental Health Sciences, Research Triangle Park, N.C.
Topics to be Discussed: Climatic data formats needed by the health and biomedical communities. The planning and coordination of data bases. Data needed by workers in health and climatology.
Sponsors: Department of Commerce, NOAA, Environmental Data Service; Department of Health, Education and Welfare, National Institute for Environmental Health Sciences, The Office of Human Development, the Public Health Service, and the National Center for Health Statistics; Environmental Protection Agency, National Environmental Research Center; and Energy Research and Development Administration, Division of Biomedical and Environmental Research.

The workshops are open to public attendance. However, since space is limited, seating of the public will be on a "first come, first serve" basis.

For further information, contact the Director, National Climatic Center, NOAA, EDS, Federal Building, Asheville, NC 28801.

T. P. GLEITER,
*Assistant Administrator for Administration.*

[FR Doc.76-14382 Filed 5-17-76;8:45 am]

## Office of the Secretary

### CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

#### Renewal

In accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, and Office of Management and Budget Circular A–63 of March 1974, and after consultation with OMB, the Secretary of Commerce has determined that the renewal of the Census Advisory Committee on the Black Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in September 1974, with an initial termination date of June 30, 1976. Its purpose is to provide an organized and continuing channel of communication between the black population and the Bureau of the Census on problems and opportunities of the Twentieth Decennial Census as they relate to the black population of the United States. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication has been helpful to the Census Bureau in its efforts to develop the procedures and techniques which are expected to result in a reduction in the undercount of the black population. To the extent that these efforts are successful, there will be direct and substantial gains to the black population.

The Committee will continue to draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of especial use to the black population, expanding the dissemination of census results among present and potential users of census data in the black community, and generally maximizing the usefulness of the census product to the Nation's largest minority group.

As initially established (39 FR 34314, 9–24–74), the Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, such as neighborhood council members, elected public officials, executives of minority organizations, marketing and media people, and clergymen from inner cities. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 (revised March 27, 1974).

Copies of the Committee's revised charter will be filed with appropriate Committees of Congress and with the Library of Congress 15 days after the date this notice appears.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Clifton S. Jordan, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland 20233, telephone number (301) 763–5169.

Dated: May 11, 1976.

JOSEPH E. KASPUTYS,
*Assistant Secretary for Administration.*

[FR Doc.76-14334 Filed 5-17-76;8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## National Institutes of Health; National Cancer Institute

### COMBINED COMMITTEES OF THE BREAST CANCER TASK FORCE

#### Meeting

Notice is hereby given of the meeting of the Combined Committees of the Breast Cancer Task Force, National Cancer Institute, July 7, 1976, Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to adjournment on July 7, 1976, for a program on the diagnosis of breast cancer. Attendance by the public will be limited to space available.

For additional information, please contact: D. Jane Taylor, Ph. D., Landow Building Room A–422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–6718.

Dated: May 11, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc.76-14384 Filed 5-17-76;8:45 am]

### CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

#### Notice of Establishment

The Director, National Institutes of Health, announces the establishment on May 5, 1976 of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Clearinghouse on Environmental Carcinogens.

Purpose: The Committee provides to the Director, NCI, and the Director, Division of Cancer Cause and Prevention, advice concerning matters relating to the identification and evaluation of environmental carcinogens. Authority for this committee will expire May 5, 1978.

Dated: May 11, 1976.

DONALD S. FREDRICKSON, M.D.,
*Director, National Institutes of Health.*

[FR Doc.76-14385 Filed 5-17-76;8:45 am]

## National Institutes of Health

### NIH PUBLIC ADVISORY COMMITTEES

#### Committee Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

| COMMITTEE AND TERMINATION DATE |
|---|
| Aging Review Committee, June 30, 1978. |
| Artificial Kidney-Chronic Uremia Advisory Committee, May 31, 1977. |
| Automation in the Medical Laboratory Sciences Review Committee, May 31, 1978. |

Biomedical Library Review Committee, May 31, 1977.
Board of Scientific Counselors, NIAMDD, May 31, 1977.
Mammalian Cell Lines Committee, May 31, 1978.
Maternal and Child Health Research Committee, May 31, 1977.
Mental Retardation Research Committee, May 31, 1977.
National Advisory Environmental Health Sciences Council, May 31, 1977.
Pharmacology-Toxicology Research Program Committee, May 31, 1978.

Authority for these committees will expire on the dates indicated unless the Secretary formally determines that continuance is in the public interest.

Dated: May 11, 1976.

DONALD S. FREDRICKSON, M.D.,
*Director,*
*National Institutes of Health.*

[FR Doc.76-14391 Filed 5-17-76;8:45 am]

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### National Institute of General Medical Sciences

### NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, June 15-16, 1976, Building 31C, Conference Room 8, and in the Westwood Building, Room 9A10. This meeting will be open to the public on June 15 from 9:00 a.m. to 12 noon in Building 31C, for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 15 from 1:30 p.m. to 5:00 p.m. in the Westwood Building, and on June 16 from 9:00 a.m. to adjournment in Building 31C for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications; and applications for the National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of proprietary or confidential nature, including detailed research protocols; designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 919, Bethesda, Maryland 20014, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of Council members.

Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone: 301, 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health.)

Dated: May 12, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc.76-14387 Filed 5-17-76;8:45 am]

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### National Institute of General Medical Sciences

### PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, June 17, 1976, National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. for opening remarks and general administrative business.

In accordance with the provisions set forth in Sections 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of renewal center applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301, 496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: May 12, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc.76-14388 Filed 5-17-76;8:45 am]

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### National Eye Institute

### VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE OF THE NATIONAL ADVISORY EYE COUNCIL

#### Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Thursday, June 10, 1976, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The meeting will convene at 7:30 p.m., and will be open to the public until adjournment, approximately 10:00 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to spaco available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: May 11, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc.76-14386 Filed 5-17-76;8:45 am]

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### National Institutes of Health

### PUBLIC ADVISORY COMMITTEES

#### Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

COMMITTEE AND TERMINATION DATE

National Advisory Child Health and Human Development Council, May 31, 1977.
National Advisory General Medical Sciences Council, May 31, 1978.

Authority for these committees will expire on the date indicated unless the Secretary formally determines that continuance is in the public interest.

The following committees which are established by an Act of Congress shall file a charter upon the expiration of each successive two-year period in accordance with P.L. 92-463. That rechartering date is indicated below.

COMMITTEE AND RECHARTERING DATE

National Arthritis, Metabolism, and Digestive Diseases Advisory Council, May 31, 1977.
Board of Regents of the National Library of Medicine, May 31, 1977.
National Advisory Council on Aging, June 30, 1978.

Dated May 11, 1976.

DONALD S. FREDRICKSON,
*Director,*
*National Institutes of Health.*

[FR Doc.76-14389 Filed 5-17-76;8:45 am]

## WORKING GROUP ON SAFER HOSTS AND VECTORS RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

### Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Working Group on Safer Hosts and Vectors of the Recombinant DNA Molecule Program Advisory Committee at the time of the Tenth Miles International Symposium, Massachusetts Institute of Technology, Cambridge, Massachusetts on June 8–10, 1976.

The entire meeting will be open to the public to evaluate putative safer hosts and vectors for research involving recombinant DNA molecules. Attendance by the public will be limited to space available

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Westwood Building, Room 922, Bethesda, Maryland 20014, telephone (301) 496–7714, will provide information on the date, time and place of the meeting, summaries of the meeting, rosters of committee members and substantive program information.

Dated: May 11, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc.76–14390 Filed 5–17–76;8:45 am]

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### Office of Education

## NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

### Meeting

Notice is hereby given, pursuant to PL–92–463, that the next meeting of the Research Task Force of the National Advisory Council on Vocational Education will be held on June 8, 1976 from 7:00 P.M. to 9:00 P.M., local time at Stouffer's University Inn, Columbus, Ohio; and on June 9, 1976, from 9:00 A.M. to 5:00 P.M., local time and June 10, 1976, from 9:00 A.M. to 12:00 Noon, local time, at the Ohio State University Center for Vocational Education.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

June 8, 1976: Briefing on Staff Activities.
June 9, 1976: Discussion of OE Priorities, Review of Council Member Activities, Briefing by Center for Vocational Education Staff.
June 10, 1976: Report on Legislation, Report of Duplication Study, Discussion of Council Activities.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425 13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 13, 1976.

REGINALD PETTY,
*Executive Director.*

[FR Doc.76–14368 Filed 5–17–76;8:45 am]

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## POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM

### Allocation Formula and Program Guidelines

On Pages 9002 and 9003 of the FEDERAL REGISTER of March 2, 1976, there was published a notice of proposed allocation formula and program guidelines which set forth both the formula to be used in allocating the fiscal year 1976 funds available for the Postsecondary Education Comprehensive Statewide Planning Grants Program among the State Postsecondary Education Commissions and certain guidelines for use of program funds. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed allocation formula and program guidelines.

*Comment and Response.* Only one comment was received. The commenter suggested that the program guidelines be clarified to indicate that the State Postsecondary Education Commissions should coordinate their planning in student guidance, counseling and financial assistance with other organizations involved in these areas. No change in the guidelines is deemed necessary. The statute (20 U.S.C. 1142b) provides that one of the purposes of grants to the Commissions is planning for the coordination of public and private postsecondary educational resources in the States.

Furthermore, the program guidelines specifically provide that comprehensive studies and inventories funded by grants under the Statewide Comprehensive Planning Grants Program should be developed in coordination with all segments of postsecondary education in the State.

*Effective Date.* Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this notice of allocation formula and program guidelines 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 therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.550: State Postsecondary Education Commissions)

Dated: April 16, 1976.

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

Approved: May 12, 1976.

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

Pursuant to the authority contained in Title XII, section 1203, of the Higher Education Act of 1965, as amended (20 U.S.C. 1142b), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, adopts the allocation formula and program guidelines set forth below for the Postsecondary Education Comprehensive Statewide Planning Grants Program in fiscal year 1976.

1. *Allocation formula.* Such funds as may become available for grant awards during fiscal year 1976 under the Postsecondary Education Comprehensive Statewide Planning Grants Program will be allocated in the following manner among those State Postsecondary Education Commissions which have filed the required information concerning establishment with the Office of Education and which have applied for funds:

(a) A base amount of $30,000 will be distributed to each such State Commission.

(b) The balance of the funds available will be distributed on the basis of the ratio of the population of a postsecondary age, namely 17 and above (as indicated in the latest data available from the U.S. Bureau of the Census), in a given State to the total population of a postsecondary age in all States with such Commissions.

2. *Program guidelines.* Grants made under these provisions must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. Such comprehensive studies and inventories should be developed in coordination with all segments of postsecondary education in the State and should be of such a nature as will assist the State Commission in planning for:

(a) Maximizing the development of human resources within the State through encouragement of student entrance to postsecondary education and the provision to the students of needed guidance, counseling and financial assistance;

(b) Providing comprehensive post-secondary education programs and services;

(c) Achieving efficient operation and orderly growth;

(d) Providing the fullest possible financial support together with efficient use of resources;

(e) Attracting and retaining qualified faculty and professional personnel; and

(f) Providing adequate and appropriate facilities and instructional equipment and securing efficiency in their use.

(20 U.S.C. 1142b)

[FR Doc.76-14432 Filed 5-17-76;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-428]

### Office of the Secretary ACTING INSURING OFFICE DIRECTOR

### Coral Gables, Memphis, and Tampa Region IV (Atlanta); Designation

Each of the officials appointed to the following positions is designated to serve as Acting Insuring Office Director during the absence of, or vacancy in the position of, the Insuring Office Director, with all the powers, functions, and duties redelegated to the Insuring Office Director: Provided, That no official is authorized to serve as Acting Insuring Office Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Director.
2. Assistant to the Director.
3. Chief Underwriter.
4. Director, Housing Management Division.

This designation supersedes the designation effective August 21, 1974.

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966); Delegation of Authority effective July 20, 1970 (35 FR 12031, July 25, 1970))

*Effective date.* This designation shall be effective as of March 15, 1976.

M. BRUCE NESTLEHUTT,
*Deputy Regional Administrator, Region IV (Atlanta).*

[FR Doc.76-14396 Filed 5-17-76;8:45 am]

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[Docket No. D-76-427]

### ACTING INSURING OFFICE DIRECTOR

### Nashville Insuring Office, Region IV (Atlanta); Designation

Each of the officials appointed to the following positions is designated to serve as Acting Insuring Office Director during the absence of, or vacancy in the position of, the Insuring Office Director, with all the powers, functions, and duties redelegated to the Insuring Office Director: Provided, That no official is authorized to serve as Acting Insuring Office Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Director.
2. Chief Underwriter.
3. Director, Housing Management Division.
4. Administrative Officer.

This designation supersedes the designation effective August 21, 1974.

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966); Delegation of Authority effective July 20, 1970 (35 FR 12031, July 25, 1970))

*Effective date.* This designation shall be effective as of March 15, 1976.

GEORGE N. GRAGSON,
*Insuring Office Director, Nashville Insuring Office, Region IV (Atlanta).*

M. BRUCE NESTLEHUTT,
*Deputy Regional Administrator, Region IV (Atlanta).*

[FR Doc.76-14397 Filed 5-17-76;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 29237]

### ALASKA INTERNATIONAL AIR CERTIFICATION PROCEEDING

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 10, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

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 July 16, 1976, and the other parties on or before July 30, 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., May 12, 1976.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.76-14441 Filed 5-17-76;8:45 am]

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[Docket 27592; Agreement C.A.B. 25776, R-1 and R-2; Agreement C.A.B. 25774; Order 76-5-53]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of May, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at a composite currency conference held in Geneva during March 1976.

Agreement C.A.B. 25776 relates to prior Agreement C.A.B. 25159 which proposed the framework for a new system of fare and rate specification based on the International Monetary Fund's Special Drawing Right (SDR).[1] The new agreement provides that in the event the next currency conference, expected to take place this autumn, fails to reach unanimous agreement to revalidate the SDR resolutions in Agreement C.A.B. 25159, such resolutions shall expire 30 days after the commencement of such conference. The agreement would also amend the SDR fare adjustment resolution to provide a uniform, three-percent tolerance for both appreciating and depreciating currencies. The adjustment resolution as originally adopted had proposed a 2½ percent tolerance for depreciations, which would require a fare increase, and a five-percent tolerance for appreciations, which would require a fare decrease. The Board, in Order 76-4-135 (April 26, 1976) disapproved the five-percent tolerance for appreciations on the basis that there was no reason for such a difference in the tolerances which appeared to tilt the proposed system in favor of fare increases only. The subject agreement would now establish a uniform, three-percent tolerance for both appreciating and depreciating currencies, and additionally expands the time for operation of the tolerance from 15 to 20 consecutive business days. These provisions appear much more reasonable than those incorporated in the original agreement, and accordingly will be approved herein. Action on the tolerance provisions of any final SDR agreement presented to the Board for approval will, of course, reflect the prevailing conditions in foreign exchange markets at that time.

Agreement C.A.B. 25774 would amend the rounding-off provisions for cargo rates in Afghanistan "Afghani," and will also be approved herein.

The Board, acting pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a) and 412 thereof, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[1] Agreement C.A.B. 25159 was approved by the Board, with certain conditions and exceptions, in Order 76-4-135, April 26, 1976.

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 25776: | | | |
| R-1 | 001aa | Special Effectiveness Resolution (Amending) | 1; 2; 3. |
| R-2 | 033 | Conversion Rates and Tariff Level Factor Administrative Provisions (Amending). | 1; 2; 3. |
| 25774 | 023b | Rounding-Off Cargo Rates (Amending) | 1; 2; 3; 1/2; 4/3; 3/1; 1/2/3. |

Accordingly, it is ordered, That:

Agreements C.A.B. 25776, R–1 and R–2, and C.A.B. 25774, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
*Acting Secretary.*

[FR Doc.76–14442 Filed 5–17–76;8:45 am]

[Docket 28837]

## PAN AMERICAN WORLD AIRWAYS, INC., PROPOSED GIT FARES (NEW YORK-DALLAS/FT. WORTH-HAWAII)

### Postponement of Hearing and Other Procedural Dates

Upon consideration of the request of Pan American World Airways, Inc., dated May 12, 1976, the hearing in this proceeding, now assigned to be held on May 20, 1976, (41 FR 18541, May 5, 1976), and all other procedural dates are hereby postponed pending action by the Board on Pan American's motion to terminate the investigation since the tariffs at issue are being withdrawn.

Dated at Washington, D.C., May 12, 1976.

[SEAL] RALPH L. WISER,
*Administrative Law Judge.*

[FR Doc.76–14440 Filed 5–17–76;8:45 am]

# COMMISSION ON CIVIL RIGHTS

## COLORADO 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 press conference of the Colorado Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on June 3, 1976, at the Federal Office Building, Room 2330, 1961 Stout St., Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to release the report, Access to the Legal Profession in Colorado by Minorities and Women.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76–14341 Filed 5–17–76;8:45 am]

## COLORADO 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 press conference of the Colorado Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on June 2, 1976, at the Federal Office Building, Room 2330, 1961 Stout Street, Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to release the report, Access to the Medical Profession in Colorado by Minorities and Women.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76–14340 Filed 5–17–76;8:45 am]

## DISTRICT OF COLUMBIA 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 District of Columbia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 3:00 p.m. on June 8, 1976, at 1121 Vermont Ave., NW., 5th Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss future Committee projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76–14336 Filed 5–17–76;8:45 am]

## ILLINOIS 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 Illinois Subcommittee to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on June 9, 1976, at 230 South Dearborn St., Conference Room 3251, Chicago, Illinois.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review the first year implementation of Springfield's Housing Community Development Program and discuss the second year application.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76–14343 Filed 5–17–76;8:45 am]

## KANSAS 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 Kansas Advisory Committee (SAC) to this Commission will convene at 10.30 a.m. and end at 2:00 p.m. on June 7, 1976, at Room 206, Twente Hall, Lawrence, Kansas.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to review the affirmative action efforts of the Kansas Department of Corrections.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76–14337 Filed 5–17–76;8:45 am]

### KANSAS/MISSOURI ADVISORY COMMITTEES

#### 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 Kansas/Missouri Advisory Committees (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on June 2, 1976, at the St. James Gregory United Methodist Church, 3000 E. Gregory, Kansas City, Missouri.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is a planning session for the Bi-State (Kan./Mo.) Committee on Education.

This meeting will be conducted purducted pursuant to the Rules and Regulations of the Commission.

Dated Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76-14342 Filed 5-17-76;8:45 am]

### NEW YORK 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 New York Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. and end at 11:00 p.m. on June 9, 1976, ,at Phelps Stokes Fund, New York, New York.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss progress made on standing Committee reports and consider new project proposals.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76-14338 Filed 5-17-76;8:45 am]

### PENNSYLVANIA/DELAWARE ADVISORY COMMITTEES

#### 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 Pennsylvania/Delaware Advisory Committees (SAC) to this Commission will convene at 10:00 a.m. and end at 1:00 p.m. on June 10, 1976, at the Federal Building, Room 7306, 600 Arch Street, Philadelphia, Pennsylvania 19106.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Rm. 510, Washington, D.C., 20037.

The purpose of this meeting is to discuss third draft of Mushroom Worker's Report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76-14344 Filed 5-17-76;8:45 am]

### SOUTH CAROLINA 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 South Carolina Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 4:00 p.m. on June 10, 1976, at the S.C. Human Affairs Commission, 1111 Belleview, Columbia, South Carolina 29211.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Rm. 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to plan for the next project in South Carolina and review of the case study in Williamsburg County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.76-14339 Filed 5-17-76;8:45 am]

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES PAY COUNCIL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 on Tuesday, June 1, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.76-14379 Filed 5-17-76;8:45 am]

### FEDERAL ENERGY ADMINISTRATION

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Evaluation, Assistant Administrator for Management and Administration.

[SEAL] JAMES C. SPRY,
UNITED STATES CIVIL SERVICE COMMISSION,
*Executive Assistant to the Commissioners.*

[FR Doc.76-14268 Filed 5-17-76;8:45 am]

### DEPARTMENT OF JUSTICE

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General (First Assistant), Office of the Assistant Attorney General, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.76-14269 Filed 5-17-76;8:45 am]

### DEPARTMENT OF JUSTICE

#### Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.76-14270 Filed 5-17-76;8:45 am]

## FEDERAL EMPLOYEES PAY COUNCIL

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, June 2, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.76-14552 Filed 5-17-76;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

[Petition Number CP 76-7]

### BICYCLE SAFETY STANDARD

**Notice of Denial of Petition Requesting Issuance of a Consumer Product Safety Standard for Bicycles**

The purpose of this notice is to announce that the Consumer Product Safety Commission has denied a petition, CP 76-7, to issue a consumer product safety standard for bicycles under the Consumer Product Safety Act.

Background. In a petition dated December 12, 1975, the Bicycle Manufacturers Association of America, Inc.; Raleigh Industries, Ltd.; Raleigh Industries of America, Inc.; and Schwinn Bicycle Comyany, under section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051, 2059), petitioned the Commission to commence a proceeding for the issuance of a consumer product safety standard for bicycles and to hold a public hearing thereon. The petitioners also requested that, if the Commission granted the petition, it should then consider whether its existing bicycle regulation (16 CFR Part 1512, July 16, 1974, as amended November 13, 1975) under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 et seq.) would, if published under the CPSA, eliminate or reduce the unreasonable risk of injury associated with bicycles. The petitioners stated that if such a finding could be made, under section 7(c) of the CPSA (15 U.S.C. 2056(c)), the Commission could publish the FRSA regulation as a proposed consumer product safety standard under the CPSA.

An important issue underlying the petition concerns the interpretation and applicability of section 30(d) of the CPSA (15 U.S.C. 2079(d)). Section 30(d) requires in part that "[a] risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act * * * may be regulated by the Commission only in accordance with the provisions of [the FHSA]." In order for the Commission to grant the petition and commence a proceeding to issue a consumer product safety standard for bicycles under the CPSA, it must find that it cannot sufficiently reduce or eliminate the risk of injury presented by bicycles by action taken under the FHSA.

In support of their petition, the petitioners make the following contentions:

1. The promulgation of the bicycle regulation under the FHSA is illegal because (a) it exceeds the Commission's statutory authority under the FHSA by regulating both adult and children's bicycles; (b) The Commission lacks the authority to promulgate a safety standard under the FHSA; and (c) the Commission has "grafted" certain provisions of the CPSA, such as sections 14(c), 15(b), and 16, onto the FHSA and has thus explicitly recognized, in accordance with section 30(d) of the CPSA, that the FHSA is inadequate to sufficiently eliminate or reduce many risks of injuries associated with bicycles.

2. The risk of injury from bicycles cannot be eliminated or reduced to a sufficient extent by an FHSA regulation, and the Commission should therefore regulate bicycles under the CPSA, in accordance with section 30(d) of the CPSA.

3. The provisions of the CPSA are "stronger and more appropriate" than those of the FHSA.

Response of the Commission. A. *Contention number 1.* Regarding the contention that promulgating the bicycle regulation which regulates both adult and children's bicycles exceeds the Commission's statutory authority under the FHSA, the Commission disagrees that simply because the bicycle standard issued under the FHSA may regulate both adult and children's bicycles it is illegal. In regulating bicycles under the FHSA, the Commission is limited by sections 2 and 3 of that act (15 U.S.C. 1261, 1262) to regulating bicycles "intended for use by children." The Commission is of the opinion that most of the bicycles on the market today could be shown to be bicycles "intended for use by children." The fact that many of those bicycles are also used by adults does not alter the Commission's obligations under the law. (The Commission has discussed this issue fully at pages 16-17 of its July 8, 1975 "Majority Opinion Regarding the Regulation of Bicycles and Toys under the Federal Hazardous Substances Act," available from the Office of the Secretary.)

Further, the Commission disagrees with the petitioners' contention that the Commission lacks the authority to promulgate a safety standard under the FHSA. The Commission is authorized under the FHSA to classify as a "hazardous substance" "[a]ny toy or other article intended for use by children which * * * presents an electrical, mechanical, or thermal hazard" (section 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D)). According to section 2(q)(1)(A) (15 U.S.C. 1261(q)(1)(A)), all such children's articles are further classified as "banned hazardous substances" and the introduction or delivery for introduction into interstate commerce of such articles is prohibited by section 4(a) of the FHSA (15 U.S.C. 1263(a)). The Commission issued its bicycle regulation (15 CFR Part 1512, July 16, 1974, as amended November 13, 1975) under section 2(q)(1)(A) on the basis of mechanical hazard.

The FHSA section 2(s) definition of "mechanical hazard" is general and applies to any type of children's article which could present a hazard from propulsion, protrusion, instability, or any of the other specifically-named hazards, including the general hazard covering "any other aspect of the article's design or manufacture" (15 U.S.C. 1261(s)). In authorizing the banning of children's articles that present a mechanical hazard, Congress anticipated that the Commission (originally the Secretary of HEW) would clarify the definition of "mechanical hazard" so that it could be applied to specific categories of children's articles, such as bicycles. The Senate Committee on Commerce stated in 1969 in Senate Rep. No. 91-237, 91st Cong., 1st Sess., June 19, 1969 at 6:

> It is intended that most determinations made by the Sceretary will be in the form of general prescriptive rules, further amplifying the definitions of electrical, mechanical, and thermal hazards set forth in the bill or other categories of hazardous substances where necessary.

The House Committee on Interstate and Foreign Commerce explained that the Secretary could ban a children's article as a hazardous substance "because of the presence of an electrical, mechanical, or thermal hazard which would result from application of the statutory definitions of electrical, mechanical, and thermal hazards and any clarification of those definitions by regulations prescribed under section 10 of the Act" (House Rep. No. 91-389, 91st Cong., 1st Sess., July 24, 1969 at 10). (Section 10 of the FHSA provides authority "to promulgate regulations for the efficient enforcement" of the FHSA (15 U.S.C. 1269).)

As long as a children's article presents a mechanical hazard, the Commission can ban it. To define "mechanical hazard," the Commission may, by regulation, issue criteria that particular products must meet to avoid classification as a "banned hazardous substance." This authority was specifically clarified by the U.S. District Court for the District of Columbia in the case of *Tuchinsky* v. *CPSC*, Civil Action No. 219-73 (D.C. D.C.,

November 14, 1974) (unreported) when it said at page 3 of the slip opinion, "* * * the court concludes that the agency is under an obligation to promulgate general prescriptive regulations."

By issuing such safety specifications as proposals and considering comments from the public, the Commission gives manufacturers of potentially banned children's articles and other interested persons prior notice of what the Commission will consider to be a mechanical hazard for a particular category of products. This course of action was followed by the Commission in its regulation of bicycles, although any bicycle could be banned under section 2(q)(1)(A) without the clarifying regulation if the Commission determines it to present a "mechanical hazard" according to the section 2(s) definition. The Senate Committee on Commerce specifically anticipated that the mechanical aspects of bicycles might be regulated under the FHSA without an outright ban of bicycles:

> There are numerous toys and other articles on the market which can cause personal injury because of their mechanical aspects but would probably not as a class be banned. Bicycles are one example. (Senate Rep. No. 91-237 at 7.)

(The Commission's July 8, 1975 "Majority Opinion Regarding the Regulation of Bicycles and Toys under the Federal Hazardous Substances Act" discusses this issue at pages 4-11.)

Finally, the Commission disagrees with the petitioners' contention that the Commission has illegally "grafted" remedial provisions of the CPSA, such as sections 14(c), 15(b), and 16, onto the FHSA and that therefore the Commission has already determined, under section 30(d) of the CPSA, that it cannot regulate under the FHSA the risk of injury presented by bicycles. The petitioners characterize the Commission's issuance of requirements for "Substantial Product Hazard Notifications" (16 CFR Part 1115 as amended and clarified December 17, 1975, 40 FR 58449) under section 15(b) of the CPSA as an attempt to "graft" certain provisions of the CPSA onto the FHSA. Section 15(b) of the CPSA requires that manufacturers, distributors, and retailers of consumer products report to the Commission information concerning possible "substantial product hazards."

In the preamble to the FEDERAL REGISTER publication issuing final regulations under section 15(b), the Commission made a finding under section 30(d) of the CPSA that "the numerous possibilities of risk to the consuming public by products falling within the authority of [other acts which the Commission administers] * * * can neither be eliminated nor reduced to a sufficient extent in a timely fashion unless the Commission is notified under section 15(b) of the [CPSA]" (39 FR 6062, February 19, 1974). This preamble also specifically discussed the effect that the section 30(d) finding concerning section 15(b) notification of products within the authority of other acts administered by the Commission might have on the regulation of those products. The Commission stated in that discussion and reemphasizes here that it "* * * intends to regulate those products subject to the [other] acts according to the provisions of such acts; the requirement of section 15(b) notification does not carry with it automatic regulation of the product under the Consumer Product Safety Act" (39 FR 6062-6063, February 19, 1974). Application of the CPSA reporting requirements to bicycles and other products within the jurisdiction of other acts administered by the Commission, therefore, was clearly not a determination by the Commission that regulations issued under the FHSA cannot sufficiently reduce or eliminate the risk of injury presented by bicycles.

The petitioners also assert that "grafting" of other CPSA provisions onto the FHSA affects the Commission's authority to address under the FHSA the risk of injuries presented by bicycles. However, those other provisions involve either proposed regulations or staff-level draft proposed regulations. The Commission has made no final determination to issue the proposed recordkeeping regulations under section 16 of the CPSA, cited in the petition. The Commission has not yet even preliminarily considered whether the CPSA section 14 provision on labeling, also cited, is applicable to products falling within the jurisdiction of other acts administered by the Commission. The Commission is not persuaded that any preliminary actions toward issuing regulations under these sections affect in any way its authority to issue bicycle regulations under the FHSA.

For all of the above reasons, petitioners' contention No. 1 is without merit, and the Commission concludes that it is acting within its statutory authority by issuing broad prescriptive banning regulations for bicycles under sections 2(f)(1)(D), 2(q)(1)(A), and 3(e) of the FHSA.

B. *Contentions numbers 2 and 3.* The second contention of the petitioners, that the risk of injury from bicycles cannot be eliminated or reduced to a sufficient extent by a regulation issued under the FHSA, has been addressed in detail by the Commission on its July 8, 1975 "Majority Opinion" (see pages 3-4). The Commission concluded on page 3 of that opinion that "the risks of injury [presented by bicycles] can be reduced to a sufficient extent by utilizing the FHSA," and that it is therefore "directed by section 30(d) of the CPSA" to regulate bicycles under the FHSA. The petitioners have not presented any new arguements or evidence that have persuaded the Commission that its earlier finding is no longer an accurate, justifiable, and appropriate interpretation of section 30(d) as it applies to the regulation of bicycles.

In view of the Commission's findings that it can sufficiently reduce the risk of injury presented by bicycles by utilizing the FHSA, the third contention of the petitioners, that the provisions of the CPSA are "stronger and more appropriate" than those of the FHSA, need not be reached by the Commission.

Conclusion. Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (15 U.S.C. 2059(d)), notice is given of the Commission's denial of the petition dated December 12, 1975.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C. 20207.

Dated: May 12, 1976.

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

[FR Doc.76-14398 Filed 5-17-76;8:45 am]

## COMMISSION ON FEDERAL PAPERWORK

### PUBLIC HEARINGS

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Indiana. The first hearing will be held on June 1, 1976, in the Wittenberger Auditorium on the Indiana University campus in Bloomington. The second hearing will be held on June 2, 1976, in the Krannert Auditorium on the Purdue University campus in Lafayette.

The hearings will commence each day at 8:30 a.m. and end at 1:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon manufacturing, retailing, State and local governments, health services, primary and higher education, community services, contractors, pharmaceuticals, insurance, and energy.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, NW., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
*Chairman.*

[FR Doc.76-14367 Filed 5-17-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 544-4, OPP-30111A]

### PESTICIDE PROGRAMS

**Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern**

**Correction**

In FR Doc. 76-8552 published on March 25, 1976 (41 FR 12335) the name "ZORIAL" in line 5 of paragraph 1 and

in line 25 of paragraph 3 should be corrected to read "EVITAL".

Dated: May 11, 1976.

MARTIN H. ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14550 Filed 5-17-76;8:45 am]

[FRL 544-8; OPP-50141]

### Issuance of Experimental Use Permit to Elanco Products Company

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-44) allows the use of 1,387.5 pounds A.I. of the herbicide Oryzalin on fruit and nut trees to evaluate control of annual and broadleaf weeds. A total of 925 acres is involved; the program is authorized only in the States of Arizona, California, Colorado, Florida, Georgia, New Mexico, North Carolina, Oregon, South Carolina, Texas and Washington. The experimental use permit is effective from April 26, 1976, to April 26, 1977. Temporary tolerances for residues of the active ingredient in or on almonds, figs, nuts, pistachios, citrus fruits, pome fruits, small fruits, and stone fruits have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., 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: May 11, 1976.

MARTIN H. ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14346 Filed 5-17-76;8:45 am]

[FRL 545-1; OPP-50142]

### Issuance of Experimental Use Permit to PPG Industries, Inc.

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 PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. 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. 748-EUP-10) allows the use of 4,300 pounds A.I. of the fungicide potassium azide on rice to evaluate control of various aquatic weeds. A total of 1,100 acres is involved; the program is authorized only in the States of Arkansas, Louisiana and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/765-4851 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: May 11, 1976.

MARTIN H. ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14352 Filed 5-17-76;8:45 am]

[FRL-544-6; Opp-50144]

### Issuance of Experimental Use Permit to PPG Industries, Inc.

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 PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. 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. 748-EUP-12) allows the use of 2,640 pounds of the fungicide sodium azide on rice to evaluate control of various aquatic weeds. A total of 850 acres is involved; the program is authorized only in the States of Arkansas, Louisiana, and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., 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: May 11, 1976.

MARTIN H. ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14348 Filed 5-17-76;8:45 am]

[FRL544-7;OPP-50145]

### Issuance of Experimental Use Permit to Sandoz, Inc.

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 Sandoz, Inc., Homestead, Florida 33030. 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. 11273-EUP-12) allows the use of 2,880 pounds of the herbicide elemental copper in ponds, lakes, and reservoirs to evaluate control of chara, widgeongrass, southern naiad, and Brazilian elodea. A total of 300 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Missouri, North Carolina, Oregon, South Carolina, Texas, and Washington. The experimental use permit is effective from April 28, 1976, to April 28, 1977.

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 bfeore visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for the review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14347 Filed 5-17-76;8:45 am]

[FRL 544-1; OPP-30118]

## PESTICIDE PROGRAMS

### Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern

Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110, has submitted to the Environmental Protection Agency (EPA) an application to register the product Dimilin W-25 for control of mosquito larvae (EPA File Symbol 148-RELO) containing 25% of the active pesticidal ingredient N-[[(4-chlorophenyl) amino]carbonyl]-2,6-di-

fluorobenzamide. This application proposes a change in the pesticide's use pattern from control of Gypsy moth larvae to include control of mosquito larvae in temporarily flooded areas, drainage ditches and lagoons from dairy, poultry and swine housing and feed areas, fresh water swamps and marshes, and salt water marshes. The application also proposes that the product be classified for restricted use. PM17

Application was made by Thompson-Hayward Chemical Co. pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.) and the regulations thereunder (40 CFR 162). Notice of receipt of this application is given in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before June 17, 1976, and should bear a notation indicating the EPA File Symbol 148-RELO. Comments received within the specified time period will be considered before a final decision is made with respect to the application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register Dimilin W-25 will be announced in the FEDERAL REGISTER. The label furnished by the applicant, as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 10, 1976.

MARTIN ROGOFF,
*Acting Director,*
*Registration Division.*

[FR Doc.76-14345 Filed 5-17-76;8:45 am]

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[FRL 545-2; OPP-50143]

### PPG INDUSTRIES, INC.

#### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. 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. 748-EUP-11) allows the use of 945 pounds A.I. of the fungicide sodium azide on rice to evaluate control of various aquatic weeds. A total of 300 acres is involved; the program is authorized only in the States of Arkansas, Louisiana, and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., 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: May 11, 1976.

MARTIN H. ROGOFF,
Acting Director,
*Registration Division.*

[FR Doc.76-14468 Filed 5-17-76;8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### FCC SCHEDULES ADDITIONAL RCC

#### Telephone Interconnection Meetings

MAY 13, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

The meetings will be held on Wednesday, May 19 and Friday, May 21 at the following locations:

May 19—U.S. Independent Telephone Association, 1801 K St., N.W. Suite 1201, Washington, D.C. (enter L. St. entrance). Scheduled to begin at 9:30 a.m.

May 21—FCC, 2025 M Street, NW., Room 8210, Washington, D.C. Scheduled to begin at 9:30 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632-6400 on the morning of each meeting to verify the room location and time.

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

[FR Doc.76-14403 Filed 5-17-76;8:45 am]

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## FEDERAL ENERGY ADMINISTRATION

### ENVIRONMENTAL 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 Environmental Advisory Committee will meet Friday, June 4, 1976, Room 5041, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Introduction of new members.
2. EAC/FEA procedures:
   a. Review of EAC subcommittees.
   b. FEA procedures to involve EAC in FEA issues process.
   c. Nominations by EAC members of priority issues for Committee consideration.
3. Status report on analysis of EAC PIES scenario.
4. Discussion of Btu tax as policy option; questions and answers with FEA Administrator.
5. Report and recommendations from Energy Conservation Subcommittee.
6. Report and recommendations from Coal Leasing and Mining Subcommittee.
7. Report and recommendations from OCS Development/Energy Facility Siting Subcommittee.

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management at (202) 961-7022.

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 the Director, Advisory Committee Management 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.

Issued at Washington, D.C., on May 12, 1976.

MICHAEL F. BUTLER,
*General Counsel.*

[FR Doc.76-14335 Filed 5-13-76;10:16 am]

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## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the 542 of Title 46 CFR and Section 311(p) vessels indicated below, pursuant to Part

(1) of the Federal Water Pollution Control Act.

| Certificate No. | Owner/operator and vessels |
|---|---|
| 01005--- | Albrecht & Boserup: *Sea Bird.* |
| 01017--- | Westfal-Larsen & Co. A/S: *Hosanger.* |
| 01127--- | Johnstone Shipping Ltd.: *Congar, Gulf Sentinel.* |
| 01149--- | Viet-Nam Hang-Hai Vietnam Marine Lines Co. Inc.: *Vietnam Thuong Tin I.* |
| 01210--- | A/S Brovigtank: *Balla Brovig.* |
| 01320--- | Friedrich A. Detjen: *Rhein.* |
| 01330--- | Shell Tankers (U.K.) Ltd.: *Venassa.* |
| 01427--- | The Pacific Steam Navigation Co.: *William Wheelwright.* |
| 01755--- | Hugo Stinnes Zweigniederlassung Hamburg: *Cap Sidero.* |
| 01861--- | BP Tanker Co., Ltd.: *British Fulmar.* |
| 02000--- | Rederiaktiebolaget Svenska Lloyd: *Dalmatia.* |
| 02196--- | Ulster Oil Transport Corp.: *Russell 105.* |
| 02198--- | The Peninsular & Oriental Steam Navigation Co.: *Strathinver.* |
| 02199--- | Atlantic Richfield Co.: *Cuyama Valley, Kenai Peninsula, Edward L. Steineger.* |
| 02234--- | Gulf Mississippi Marine Corp.: *MCN Oil Barge No. 3.* |
| 02241--- | Cape Continent Shipping Co. (Proprietary) Ltd.: *Palabora.* |
| 02295--- | The Great Eastern Shipping Co., Ltd.: *Jag Jwala.* |
| 02458--- | The China Navigation Co., Ltd.: *Woosung.* |
| 02565--- | American Foreign Steamship Corp.: *American Oriole.* |
| 02611--- | Franz Hagen: *Anneleise Porr, Carlo Porr.* |
| 02929--- | Sofumar Societe D'Armement Fluvial & Maritime: *Port Vendres.* |
| 02930--- | Compania Sud-Americana de Vapores: *Illapel.* |
| 03044--- | Bouchard Transportation Co., Inc.: *B No. 20.* |
| 03069--- | Alfred C. Toepfer Schiffahrtsges. MBH: *Carl Trautwein, Emma Johanna.* |
| 03316--- | Afran Bahamas Ltd.: *Gulf Briton, Gulf Dane, Gulf Finn, Gulf Scot.* |
| 03331--- | Compania Naviera Asiatic S.A.: *Malaya.* |
| 03441--- | Japan Line K. K.: *Daiei Maru, Japan Rimu.* |
| 03510--- | Takeda Kigyo Kabushiki Kaisha: *Seishomaru 6.* |
| 03627--- | Igert (a Corporation): *MBL–612.* |
| 03690--- | The Harbor Tug & Barge Co.: *H–48.* |
| 03849--- | Algoma Central Railway: *Roy A Jodrey, Michipicoten.* |
| 03880--- | Societe Maritime & Commerciale S.A.: *Roquebrune.* |
| 03490--- | Sato Kisen K. K.: *Nipponham Maru No. 1.* |
| 03891--- | Inverness Shipping Co.: *Inverness.* |
| 03892--- | Dartmouth Shipping Co.: *Dartmouth.* |
| 03918--- | Mobil Shipping & Transportation Co.: *Mobil Venture.* |
| 04136--- | Thomas Marine Co.: *BT–2, SJT–4.* |
| 04332--- | Transpacific Freighters Corp.: *Nephos.* |
| 04398--- | Hapag-Lloyd Aktiengesellschaft: *Oriental Exporter.* |
| 04420--- | Navigazione Alta Italia S.P.A.: *Nai Marcus.* |
| 04456--- | Venus Maritime Corp.: *Venus Argosy.* |
| 04583--- | Gatx Oswego Corp.: *Oswego Unity.* |
| 04588--- | Trinity Navigation Corp.: *Trinity Navigator.* |
| 04938--- | Newstar Shipping Co.—Monrovia: *Okay.* |
| 05232--- | Diamond M Drilling Co.: *Diamond M. Farmand.* |
| 05283--- | Peter Pan Seafoods Inc.: *Sarichef, Ronnie S.* |
| 05342--- | Ta Tong Marine Co. Ltd.: *Taian.* |
| 05500--- | Petroleos Mexicanos: *Ignacio Allende.* |
| 05577--- | Far Eastern Shipping Co.: *Egorjevsk, Erevan, Baku, Ivan Kulibin, Stephan Vostretsov, Captain Gotskiy, Bogatyr–2.* |
| 05604--- | Geraldine Transport Corp.: *Nicoline.* |
| 05608--- | Fekete & Co.: *Thomona, Karen Fekete.* |
| 05811--- | Boat Paramount: *Paramount.* |
| 05845--- | Shinto Kaiun K. K.: *Shinto Maru.* |
| 05904--- | Tutsa Shipping Co. S. A. Panama: *Visia.* |
| 06770--- | Chiao Kuo Navigation Co., Ltd.: *Overseas Fruit.* |
| 06771--- | Great Pacific Navigation Co., Ltd.: *Comfort.* |
| 06767--- | Northsea Shipping Co., Ltd.: *Arietta Livanos.* |
| 06904--- | Overseas Navigation Co. Ltd. Taipei: *Oriental Queen.* |
| 07073--- | Seereederei Howaldt KG.: *Cambridge.* |
| 07159--- | Urgain A Steamship, Inc.: *Yolimar.* |
| 07313--- | Merivienti Oy: *Finnsailor.* |
| 07314--- | Shipping Co. Avedrecht NV.: *Avedrecht.* |
| 07362--- | Primorsk Shipping Co.: *Leninskoye Zanamya.* |
| 07547--- | Myers Molasses Co., Inc.: *FT–18.* |
| 07624--- | Josef Roth-Reederei: *Franziska Kurz, Gabriele Koegel, Charlotte Koegel, Elisabeth Roth.* |
| 07730--- | MT Oceanic Development Panama Co., S.A.: *Puerto Caimito.* |
| 07763--- | TTT, Inc., *El Taino.* |
| 07880--- | Logicon, Inc.: *Logicon 2701, Logicon 2702.* |
| 07924--- | Cecil Shipping Corp.: *Beacon.* |
| 08234--- | Burmah Oil Tankers Ltd.: *Burmah Gem.* |
| 08363--- | United Bulk Carriers & Tankers Inc.: *Energy Transmission.* |
| 08723--- | Product Carriers, Inc.: *Stolt Vidar.* |
| 09282--- | Sam Won Fisheries Co., Ltd., *No. 17 Sam Won.* |
| 09320--- | Ariana Shipping Co. Ltd.: *Kalliopi Antonatos.* |
| 09326--- | Koppers Co., Inc.: *UBL 364.* |
| 09336--- | Crain & Pushak Towing, Inc.: *Ravenswood.* |
| 09483--- | Powell Oil Co., Inc.: *L.C.T. No. 19.* |
| 09595--- | Ming Ren Navigation Co., Ltd. S.A.: *Mingren Investment.* |
| 09732--- | Great Neck Operating Corp.: *Brook.* |
| 09972--- | Panhandle Towing Co., Inc.: *GT–116, GT–118.* |
| 10078--- | Daiei Shipping Co., Ltd.: *Sun Freesia.* |
| 10079--- | Panoceanos Armadora S.A. of Panama: *Erino.* |
| 10260--- | Hollywood Marine, Inc.: *Wasson 5.* |
| 10333--- | United River Lines, Inc.: *50, 22, 21.* |
| 10568--- | Falcon Line Ltd.: *Falcon Friendship.* |
| 10575--- | Midas Star Transport, Inc.: *Sankostar.* |
| 10580--- | Thai Hwa Navigation Corp. S.A.: *Hongkong Truth.* |
| 10583--- | Madison Shipping Corp.: *Sunvreeland.* |
| 10609--- | Azuma Kaiun K. K.: *Tosho Maru.* |
| 10763--- | Halliburton Ltd.: *Halliburton 219.* |
| 11068--- | Deep Sea Carriers Co. Ltd.: *Karina Rio Grande.* |

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.76–14431 Filed 5–17–76;8:45 am]

## FEDERAL POWER COMMISSION

[Project No. 349]

### ALABAMA POWER CO.

### Application for Change in Land Rights

MAY 12, 1976.

Public notice is hereby given that on April 8, 1976, an application was filed under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Alabama Power Company (Correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35202) for a change in land rights for the constructed Martin Project No. 349 located on the Tallapoosa River in Elmore, Tallapoosa, and Coosa Counties, Alabama. The proposed change in land rights would be located in Tallapoosa County.

Applicant seeks Commission approval for the granting of an easement to Jackson's Gap Water Authority over project lands of a sufficient width for the installation and maintenance of a water distribution system to serve approximately 303 residences within and adjacent to the project boundary. Included in the system would be nine miles of six- and eight-inch mains of which approximatley 2.3 miles are within the project boundary and approximately 10.6 miles of two- and three-inch distribution lines within the project boundary. According to the application, the pipelines would be laid in a trench with a minimum depth of 30 inches. The trench will be backfilled and rolled to the original ground elevation and all angle points would be marked with permanent monuments detailing the pipeline location.

Any person desiring to be heard or to make protest with reference to said application should on or before June 28, 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 fo 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and confer-

red upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issuance of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14406 Filed 5-17-76;8:45 am]

[Docket No. CP76-221]

## ARKANSAS LOUISIANA GAS CO.

### Amendment to Application

MAY 11, 1976.

Take notice that on April 6, 1976,[1] Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP 76-221 an amendment to its application filed January 5, 1976, in the subject docket pursuant to Section 7(c) of the Natural Gas Act by requesting an appropriate Commission determination as may be required by law with regard to the exempt status of certain facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Arkla states that its application in this proceeding requests authorization to exchange gas with Lone Star Gas Company (Lone Star) for the purpose of supplying the needs of Arkla's distribution system in Kingston, Oklahoma, and environs, with a daily maximum gas supply of 1,000 Mcf. Arkla proposes to construct and operate approximately 4.8 miles of 3½-inch pipeline from the point of interconnection with Lone Star to the Kingston distribution system. Arkla asserts that the application noted that the facilities would be exempt either under Section 1(b) or Section 1(c) of the Natural Gas Act.

By the instant amendment it is requested that an appropriate determination as may be required by law be made with regard to the exempt status of the facilities used to receive the gas from Lone Star, and if it is construed necessary by the Commission, Arkla requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests with respect to the application need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14413 Filed 5-17-76;8:45 am]

[Docket No. ER76-396]

## BANGOR HYDRO ELECTRIC CO.

### Notice Vacating Procedural Dates

MAY 12, 1976.

By order issued May 7, 1976, in Docket No. ER76-496, the Commission consolidated the proceedings in the above captioned docket with those in Docket No. ER76-496 and fixed a date of November 9, 1976, for service of Staff's top sheets in the consolidated proceeding. Notice is hereby given that the procedural dates fixed in Docket No. ER76-396 by order of the Presiding Administrative Law Judge dated April 30, 1976, are hereby vacated in accordance with the Commission's order.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14409 Filed 5-17-76;8:45 am]

[Docket No. ER76-664]

## EMPIRE DISTRICT ELECTRIC CO.

### Tender of Amendments to Letter Agreement

MAY 11, 1976.

Take notice that on May 3, 1976, The Empire District Electric Company (EDE) tendered for filing amendments to a letter agreement between it and Southwestern Power Administration (SPA) dated February 16, 1973, (FPC Rate Schedule No. 78, according to EDE) which letter agreement provides, according to EDE, for the delivery from SPA to EDE of excess hydro-electric energy and for a return of this energy on a Kw for Kw basis from EDE to SPA with any balance of energy owed to SPA at the end of the exchange period being paid for under SPA rate schedule IC at the rate of 5 mills/Kwh.

EDE states that it submitted the following letters amending the letter agreement:

(1) A letter from SPA to EDE dated April 20, 1976, which provides for an extension of the letter agreement to June 30, 1977; also for a delivery from SPA to EDE up to July 1, 1976, and for a return of energy by EDE to SPA after July 1, 1976, and for a settlement of the energy account as of a July 1, 1977 audit of the account.

(2) A letter dated April 1, 1975 providing for similar extensions to July 1, 1976.

(3) A letter dated December 13, 1973 providing for similar extension to July 1, 1975.

(4) An amendment dated February 7, 1974 providing for increasing the top limit of the Energy Exchange Account from 100,000,0000 Kwh to 150,000,000 Kwh.

EDE requests waiver of the 30-day notice period and that the above letters be accepted for filing by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14417 Filed 5-17-76;8:45 am]

[Docket No. CP76-289]

## FLORIDA GAS TRANSMISSION CO.

### Application; Correction

APRIL 14, 1976.

In the Notice of Application issued March 26, 1976 (41 FR 14609, Apr. 6, 1976), in the 14th line of the first paragraph change "1975" to read "1976."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14429 Filed 5-17-76;8:45 am]

[Docket No. ER76-568]

## HARTFORD ELECTRIC LIGHT CO.

### Notice of Filing; Correction

APRIL 26, 1976.

In the Notice of filing issued March 30, 1976, change caption reading "Connecticut Light and Power Company" to read

[1] Although the subject amendment was tendered for filing April 6, 1976, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 13, 1976; thus, filing was not completed until the latter date.

"Hartford Electric Light Company." Change the first sentence reading "* * * on March 19, 1976 the Connecticut Light and Power Company (CL&P) tendered for filing * * *" to read "* * * on March 19, 1976, the Hartford Electric Light Company (HELCO). * * *" Change the sentence reading "CL&P states that the aforementioned parties to the Agreements have been sent copies of it" to read "HELCO states that the aforementioned parties to the Agreement have been sent copies of this filing."

MARY KIDD PEAK,
*Acting Secretary.*

[FR Doc.76-14428 Filed 5-17-76;8:45 am]

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[Docket No. ER76-656]

## INDIANA & MICHIGAN ELECTRIC CO.

### Notice of Tariff Change

MAY 11, 1976.

Take notice that American Electric Power Service Corporation (AEP) on April 29, 1976, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), Modification No. 3 dated June 1, 1976, to the Interconnection Agreement dated February 21, 1964, between I&M and Public Service Company of Indiana, Inc., designated I&M Rate Schedule FPC No. 24.

AEP states that Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week. AEP also states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP states further that Section 2 of Modification No. 3 increases the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month.

AEP requests that the said Modification No. 3 be permitted to become effective as of June 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14414 Filed 5-17-76;8:45 am]

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[Docket No. ER76-660]

## INTERSTATE POWER CO.

### Notice of Filing of Schedules

MAY 11, 1976.

Take notice that on April 30, 1976, Interstate Power Company (Interstate) tendered for filing certain financial schedules in support of a proposed rate-increase for service to Cooperative Power Association (CPA) under Interstate's rate schedule FPC No. 88.

Interstate states that on August 8, 1975, Interstate transmitted to the Commission an application for an increase in rates for service to CPA under Interstate's rate schedule FPC No. 88 (which was accepted for filing effective May 1, 1968). By order issued September 10, 1975, the Commission rejected that filing on the basis that the filing was predicated upon "stale data." Subsequent to Interstate's filing of the Petition for Rehearing and Reconsideration and a Petition for Intervention filed by CPA, the Commission in an order issued November 5, 1975, stated that the existing contract was in effect a fixed-rate contract and that "accordingly, Interstate's proposed increase in rates is barred by the rule of Mobile-Sierra."

According to Interstate, Interstate and CPA are in negotiations with respect to a possible agreement as to an increase in the rate contained in rate schedule FPC No. 88. Interstate states that it has compiled a cost of service for the twelve months ended September 30, 1975, which it has presented to CPA for review and is a basis for the negotiations taking place. In order, however, to get this test year data on file with the Commission prior to the end of the seven month period following the end of that test year, Interstate states that it is submitting copies of the basic financial schedules consisting of Statements A through N for the twelve months ended September 30, 1975, in support of a proposed rate increase. Interstate also enclosed copies of a Stipulation signed by Interstate and CPA in which the Company sets forth the agreement of both parties as a basis for filing the basic financial schedules with the Commission in a timely manner, with this filing to be supplemented subsequently hereto with a settlement agreement between Interstate and CPA in the event such settlement agreement is consummated.

In addition, Interstate specifically requests that the Commission at this time accept this filing with a waiver of the requirements for the following: (1) The most twelve months billing information and the sebsequent twelve month billing information on the proposed rates; (2) A revised rate schedule; (3) Testimony; (4) Notice of Proposed Change in Rates and Charges.

According to Interstate, due to the nature of a settlement agreement, the above information can only properly be provided in conjunction with the Stipulation for Settlement at such time as it is filed with the Commission for approval.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washingon, D.C. 20426, in accordance wih Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining an appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14411 Filed 5-17-76;8:45 am]

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[Docket No. G-18419, et al.]

## MICHIGAN WISCONSIN PIPE LINE CO.

### Filing of Refund Report

MAY 11, 1976.

Take notice that on November 3, 1975, Michigan Wisconsin Pipe Line Company filed in the above-designated proceedings a refund report as required by the Commission's order issued herein on August 8, 1975.

Michigan Wisconsin states that on September 5 and 8, 1975, it made refunds to its jurisdictional customers as required by the August 8, 1975, order. The refund amounts are listed below.

| Ordering paragraph | Date of refund | Amount |
|---|---|---|
| (C) | Sept. 5, 1975 | $361,562.11 |
| (B) | Sept. 8, 1975 | 1,025,791.83 |
| Total | | 1,387,353.94 |

Any person wishing to do so may submit comments in writing concerning Michigan Wisconsin's refund report. All comments should be submitted to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 4, 1976. Michigan Wisconsin's refund report is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14426 Filed 5-17-76;8:45 am]

[Docket No. CP63-12, etc.]

## MISSISSIPPI RIVER TRANSMISSION CORP. ET AL.

### Order Directing Disbursement and Flow-Through of Refunds; Correction

APRIL 20, 1976.

In the matter of Mississippi River Transmission Corporation, Docket No. CP63-12, et al.; United Gas Pipe Line Company, Dockets Nos. G-16380, G-16382, RP61-18, RP63-1, and RP65-1; and Natural Gas Pipe Line Company of America, Docket Nos. RP68-17 and RP67-21; Order directing disbursement and flow-through of refunds, issued March 8, 1976.

Docket No. G-16388 should be substituted in the caption of the referenced order, and in Ordering Paragraph (A) thereof, for Docket Nos. G-16380 and G-16382.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14427 Filed 5-17-76;8:45 am]

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[Docket No. CP76-357]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Application

MAY 11, 1976.

Take notice that on April 30, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-357 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Iowa-Illinois Gas and Electric Company (Iowa-Illinois), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas transportation and rescheduling agreement with Northern Natural Gas Company (Northern) and Iowa-Illinois pursuant to which Applicant proposes to receive from Northern at an existing interconnection at Glenwood in Mills County, Iowa, such volumes of gas as Iowa-Illinois might release from its contract demand with Northern. It is stated that Northern would deliver up to 5,000 Mcf of gas per day, or more if mutually agreed by all parties, to Applicant from March 27 through October 26, with total deliveries during this period not to exceed 100,000 Mcf of gas. Applicant would transport and deliver the gas to Iowa-Illinois at the existing Moline Town Station No. 3 in Rock Island County, Illinois, for liquefaction and storage in Iowa-Illinois' LNG facility.

The application states that on days from October 27 through March 26 when Iowa-Illinois' firm load in its Fort Dodge district would exceed quantities available within contract demand, Iowa-Illinois would release the volumes required from volumes of gas available to it from Applicant. Applicant would deliver equivalent voluumes to Northern at Glenwood for redelivery to Iowa-Illinois at its Fort Dodge district. Total deliveries during the October 27-through-March 26 period might not exceed the net volumes of gas placed in storage in Iowa-Illinois' LNG facility under the transportation and rescheduling agreement.

Applicant proposes to utilize existing facilities to render the proposed service and states that it will not require any new or additional facilities. Applicant states further that it would have system capacity available to transport the specified volumes since Applicant's gas supply is not sufficient to utilize fully the capacity of its Amarillo main transmission line.

Applicant proposes to charge Iowa-Illinois $700 per month for the transportation service. This rate is said to be based on an estimated unit cost of 0.031 cents per Mcf mile of haul for 100,000 Mcf of gas to be transported 260 miles.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14412 Filed 5-17-76;8:45 am]

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[Docket No. CP76-353]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Application

MAY 6, 1976.

Take notice that on April 29, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-353 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas in interstate commerce to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for the account of Northern Indiana Public Service Company (Nipsco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed in principle that Applicant would deliver to Michigan Wisconsin for Nipsco's account 6,000,000 Mcf of gas from March 1 through October 31 of each year through 1990. Applicant would make such deliveries at existing points of interconnection of the facilities of Applicant and Michigan Wisconsin at a daily rate of up to 30,000 Mcf with an additional volume of gas for compressor fuel equal to 5 percent of the volume delivered. It is said that Applicant's deliveries would enable Nipsco to fulfill its delivery obligations under the transportation agreements dated January 23, 1976, between Nipsco and Michigan Wisconsin which are the subject of Michigan Wisconsin's application in Docket No. CP76-225[1] and thus allow Nipsco to avail itself of the storage service under the storage agreements dated January 23, 1976, between Nipsco and Michigan Consolidated Gas Company (Consolidated) which are the subject of Consolidated's application in Docket No. CP76-254.[2]

The application states that possession of the gas and title to the gas would remain together. It is said that title would pass to Michigan Wisconsin with deliveries by Applicant and that Applicant is advised that Nipsco would not receive title until the gas is delivered by Michigan Wisconsin to the intrastate system of Nipsco.

Applicant states that it would charge Nipsco for the service proposed in the instant application. Applicant states further that it and Nipsco anticipate that they will execute a formal agreement which specifies the terms and conditions under which delivery would be provided by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

[1] Notice published March 15, 1976 (41 FR 10957).

[2] Notice published March 8, 1976 (41 FR 9923).

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14405 Filed 5-17-76;8:45 am]

[Docket No. CP75-71]

## NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSWESTERN PIPELINE CO.

### Amendment to Application

MAY 11, 1976.

Take notice that on May 3, 1976, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transwestern Pipeline Company (Transwestern), Southern National Bank Building, Houston, Texas 77002, filed in Docket No. CP75-71 an amendment to their application filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicants request authorization to exchange natural gas at a point in Eddy County, New Mexico, in addition to the point at which they propose to exchange natural gas in the initial application, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application Applicants propose to exchange natural gas at a point in Eddy County to enable Natural to receive natural gas purchased from Perry R. Bass and Bass Enterprises Company (Bass) produced from the Big Eddy No. 40 Well during the time that Bass would perform an experimental fracture treatment of said well. The gas would be delivered to Transwestern for redelivery to Natural at the outlet of Cities Service Oil Company's Bluitt Plant, a common purchase point of Applicants in Roosevelt County, New Mexico.

The instant amendment states that Natural has entered into a long-term contract with Bass to purchase gas from the Big Eddy No. 44 Area in Eddy County. It is stated that since Natural's existing facility to which the gas supply from this area might be connected is approximately 6.5 miles away and since Transwestern has facilities in the immediate area which may be used to receive the gas, Applicant's have amended their exchange agreement to establish an additional exchange point so that Transwestern might take gas for Natural's account. Transwestern would redeliver thermally equivalent volumes of gas to Natural at the previously proposed Bluitt exchange point.

In order to effectuate the exchange proposed in the instant amendment Transwestern proposes to construct and operate a tap connection on its existing pipeline in Eddy County and Natural proposes to construct and operate approximately 325 feet of 4-inch lateral pipeline and a 4-inch measuring facility. Applicants state that Natural would reimburse Transwestern for the cost of constructing the tap, estimated at $5,520, and that the cost of Natural's facilities, estimated to be $26,300, would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14416 Filed 5-17-76;8:45 am]

[Docket No. ER76-638]

## OHIO EDISON CO.

### Filing of Supplement to Rate Schedule

MAY 11, 1976.

Take notice that Ohio Edison Company on the 26th day of April 1976, tendered for filing a letter agreement dated March 4, 1976 with the City of Oberlin, Ohio, for additional service to Oberlin.

According to Ohio Edison, the letter agreement supplements the present provision for service under FPC No. 112.2 by temporarily permitting Oberlin to transfer load to Ohio Edison Company overnight to conserve fuel and by providing for loop supply and parallel operation at 69 KV upon conversion of existing 69 KV supply configurations.

A copy of the filing was served on the City Manager of Oberlin.

Any person desiring to be heard or to protest said proposal should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14424 Filed 5-17-76;8:45 am]

[Docket No. ER76-672]

## ORANGE AND ROCKLAND UTILITIES, INC.

### Notice of Rate Filing

MAY 11, 1976.

Take notice that Orange and Rockland Utilities, Inc. (O&R) on May 3, 1976, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Exchange Agreement between O&R and Long Island Lighting Company (Lilco). O&R states that the Agreement provides for the daily exchange of up to 100 MW of electric generating capability and associated energy between O&R and Lilco beginning April 25, 1976, and continuing until terminated by either party upon thirty days notice of its intent to terminate said Agreement.

O&R requests waiver of the notice requirements of the Commission's Regulations to permit the tendered Agreement to become effective as of April 25, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14410 Filed 5-17-76;8:45 am]

[Docket Nos. RI74-56 and RI 74-57]

## PHILLIPS PETROLEUM CO. AND KERR-McGEE CORP.

### Extension of Time

MAY 12, 1976.

By telegram received May 11, 1976, Kerr-McGee Corporation and Phillips Petroleum Company requested an exten-

sion of time within which to file refund reports and make disbursements pursuant to the order issued May 10, 1976 denying petition for special relief and directing disbursement and flow through refunds.

Upon consideration, notice is hereby given that the time is extended to July 26, 1976, within which to file refund reports and make disbursements, as requested by the above order.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14408 Filed 5-17-76;8:45 am]

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[Docket Nos. E-8882 and ER76-381]

## PUBLIC SERVICE COMPANY OF COLORADO

### Conference on Rates and Charges

MAY 12, 1976.

Take notice that on June 29, 1976, a conference of all parties to intervene in these proceedings, the Public Service Company of Colorado, any interested customers, and the Commission Staff will be held in Conference Room No. 5200 at the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C., at 10:00 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14407 Filed 5-17-76;8:45 am]

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[Docket No. ER76-668]

## PUBLIC SERVICE COMPANY OF OKLAHOMA

### Capacity Sale

MAY 11, 1976.

Take notice that Public Service Company of Oklahoma (PSCO) tendered for filing by letter dated April 6, 1976, a letter agreement supplement to Rate Schedule FPC No. 97 with the Kansas Gas & Electric Company (KG&E) which provides for the sale by PSCO of 100 MW of capacity from its Northeastern Station Unit No. 2 to KG&E from the 12-month period beginning June 1, 1977 and ending May 31, 1978, according to PSCO.

PSCO requests waiver of the maximum 90-day filing period and requests an effective date of June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14415 Filed 5-17-76;8:45 am]

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[Docket No. CP76-358]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application

MAY 11, 1976.

Take notice that on May 3, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-358 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities on Production Platform A in Block 349, Fugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to install and operate one 3,540 horsepower compressor unit with related metering and appurtenant facilities. Applicant states that it has entered into gas purchase contracts with Louisiana Land Offshore Exploration Company, Marathon Oil Company, and Texas Eastern Exploration Company for their interests in the Block 349 field. Applicant states that it had projected that initial purchases from the shallow sands in Block 349 would be about 70,000 Mcf of gas per day. Deliveries are said to have commenced on November 27, 1975 and during March 1976 are said to have averaged 102,000 Mcf of gas per day.

The application states that the producers are engaged in a continuing development program which is expected to provide additional well capacity. Based upon representations from the producers, Applicant states, Applicant now estimates that well capacity in Block 349 as a result of the drilling program will be increased from the current average capacity of about 100,000 Mcf of gas per day to at least 170,000 Mcf of gas per day before 1977. It is stated further that at the delivery conditions expected on January 1, 1977, the capacity of the compression facilities presently installed would be about 95,000 Mcf of gas per day.

The application states that in addition to allowing Applicant to avail itself of the additional well capacity, the proposed facilities would allow Applicant to make purchases from Block 349 at continuing higher rates over the life of reservoir. Further, it is stated, the facilities would permit Applicant to lower the pressure at the delivery point as the natural pressures decline and thereby permit more efficient and economical recovery of Applicant's gas supply.

The proposed facilities are estimated to cost $1,670,000, which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14425 Filed 5-17-76;8:45 am]

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[Docket No. ER76-663]

## TOLEDO EDISON CO.

### Notice of Service Agreement

MAY 11, 1976.

Take notice that The Toledo Edison Company, on April 30, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Bradner, Ohio and Rourth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Bradner provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedule FPC Number 6) which will expire on May 31, 1976. An effective date of June 1, 1976 has been requested for the filed Service Agreement.

Copies of this filing were served upon the Village of Bradner, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14422 Filed 5-17-76;8:45 am]

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[Docket No. ER76-677]

## UNION ELECTRIC CO.

### Revised Service Schedule

MAY 11, 1976.

Take notice that on May 6, 1976, Union Electric Company (Union) tendered for filing revised Schedule II to the Interchange Agreement dated April 11, 1967 between Union and Missouri Public Service Company (Missouri) and a certificate of concurrence signed by Missouri.

Union requests an effective date of April 28, 1976 for the revised Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14433 Filed 5-17-76;8:45 am]

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[Docket No. ER76-665]

## VERMONT ELECTRIC POWER COMPANY, INC.

### Tender of Purchase Agreements

MAY 11, 1976.

Take notice that on May 3, 1976, Vermont Electric Power Company, Inc. (VELCO) tendered for filing purchase agreements providing for the sale of capacity and related energy to Green Mountain Power Corporation and Central Vermont Public Service Corporation. VELCO states that service under both agreements, dated July 1, 1976, commenced on December 19, 1974 and will terminate on October 31, 1976. VELCO requests an effective date of December 19, 1974, and waiver of the requirements of Section 35.11 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14418 Filed 5-17-76;8:45 am]

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[Docket No. ER76-673]

## VERMONT ELECTRIC POWER COMPANY, INC.

### Tender of Bulk Transmission Contract

MAY 11, 1976.

Take notice that on May 6, 1976, Vermont Electric Power Company (VELCO) tendered for filing a bulk power transmission contract with Vermont Electric Cooperative, Inc., dated May 31, 1975. VELCO requests an effective date of June 1, 1975, when service commenced, and waiver of Section 35.11 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14419 Filed 5-17-76;8:45 am]

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[Docket No. ER76-674]

## VERMONT ELECTRIC POWER COMPANY, INC.

### Tender of Purchase Agreements

MAY 11, 1976.

Take notice that on May 6, 1976, Vermont Electric Power Company, Inc. (VELCO) tendered for filing bulk power purchase contracts with Central Vermont Public Service Corporation and Green Mountain Power Corporation dated January 16, 1976. VELCO states that service under both contracts commenced on January 31, 1976 and will terminate on October 31, 1978. An effective date of February 1, 1976, and waiver of the requirements of Section 35.11 of the Commission's Regulations are requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14420 Filed 5-17-76;8:45 am]

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[Docket No. ER76-675]

## VIRGINIA ELECTRIC AND POWER CO.

### Tender of Contract Supplement

MAY 11, 1976.

Take notice that on May 6, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated March 22, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 82-19 between Virginia and Prince George Electric Cooperative.

Said supplement requests Commission authorization for a change in transformer facilities from 1 MVA to 1.5 MVA at Wilkerson's Corner Delivery Point, located on the east side of Route 686 near Carson, Sussex County, Virginia.

Virginia requests waiver of notice requirements to permit an effective date as of the date of change of transformer facilities which is March 2, 1976.

Virginia states that copies of the filing have been mailed to the interested parties and regulatory authorities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.76-14421 Filed 5-17-76;8:45 am]

## FEDERAL RESERVE SYSTEM

### CLEVETRUST CORPORATION

#### Order Approving Acquisition of Bank

CleveTrust Corporation, Cleveland, Ohio ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Savings Deposit Bank Company, Medina, Ohio ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Ohio, controls eight banks with aggregate deposits of approximately $3.2 billion, representing 10.8 per cent of the total deposits in commercial banks in the State.[1] Acquiistion of Bank (deposits of $18.3 million) would increase Applicant's share of Statewide deposits by only 0.06 per cent, and would have no appreciable effect upon the concentration of banking resources in Ohio.

Bank, which is located in the city of Medina about 25 miles south of downtown Cleveland, competes on the fringe of the Cleveland banking market[2] and controls about 0.2 per cent of total market deposits.[3] Some 37 banking organizations (including Ohio's eight largest) with a total of 432 banking offices, compete in the Cleveland banking market. Applicant is the largest banking organization in the market and holds approximately 31.1 per cent of market deposits. Bank is one of the smaller banking organizations in the Cleveland market and ranks 26th among the banking organizations in that market. Thus, in view of Bank's relative size (Bank also ranks only 5th out of 9 banks in Medina County), its acquisition by Applicant would increase only slightly Applicant's market share and the concentration of deposits in Cleveland. However, the evidence of record shows that the Cleveland banking market has become less concentrated over time.[4] Applicant's banking subsidiary closest to Bank is located 11.4 miles north of Bank, in Cuyahoga County, and is separated from Bank by a number of intervening banking offices. Even though Applicant and Bank operate in the same market, the facts of record show there is no overlap of service areas nor would approval result in the elimination of any significant amount of existing competition.

In assessing the effects of the proposal on potential competition, the Board is of the view that although Applicant may possess the capabilities to enter Medina County de novo and acquisition of Bank would eliminate one independent banking alternative in the relevant market, there are several other facts of record which mitigate these slightly adverse competitive effects. Ohio's restrictive branching law, which limits branching to home office counties, prohibits Applicant's present subsidiaries from branching into the Medina County portion of the market; moreover, it appears unlikely that Applicant would enter Medina County de novo since its population and deposits-per-banking-office ratios are well below State averages. Furthermore, following approval, there would remain 19 other independent banks as possible entry points into the market for competitors. Accordingly, it is concluded that consummation of the proposal would have only slightly adverse effects on potential competition.

However, the Board's inquiry does not end here. Under the provisions of § 3(c) of the Bank Holding Company Act of 1956, as amended, the Board must determine whether these anticompetitive effects are outweighed by other positive considerations reflected in the record such as financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. However, while the financial resources of Bank are satisfactory, its net earnings have been declining over time (from 1971 to 1975).[5] Furthermore, Bank appears to possess limited managerial resources. Affiliation with Applicant will result in the strengthening of Bank's financial and managerial base. Therefore, banking factors lend weight toward approval. Moreover, Bank's physical plant appears to be somewhat inadequate. Affiliation with Applicant will result in a remodeling and modernizing of Bank's physical plant. Other benefits to be derived from affiliation are that Applicant would enable Bank to expand and improve the range of banking services presently offered to Bank's customers. Applicant has also indicated it will make available to Bank, and Bank's customers, equipment leasing, trust management services, accounts receivable financing, and data processing services for maintaining account records. The Board concludes, therefore, that considerations relating to the convenience and needs of the community to be served outweigh the slight anticompetitive effects of the proposal. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[6] effective May 10, 1976.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.76-14357 Filed 5-17-76;8:45 am]

### MARYVILLE BANCSHARES, INC.

#### Formation of Bank Holding Co.

Maryville Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 94 percent or more of the voting shares of Citizens State Bank, Maryville, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 8, 1976.

[1] Unless otherwise indicated, all banking data are as of September 30, 1975, and reflect bank holding company formations and acquisitions approved through April 30, 1976.

[2] The Cleveland banking market, which is the relevant banking market, is approximated by all of Cuyahoga, Lake and Geauga Counties, the northwestern quarter of Portage County, the northern third of Summit County, all but the southern-most tier of townships in Medina and Lorain Counties (which appear to have stronger ties to Akron) and the City of Vermilion which straddles the border of Lorain and Erie Counties.

[3] All market data are as of June 30, 1974.

[4] During the period June 1968 to June 1974, the deposit share of the four largest banking organizations in the Cleveland banking market declined from 77.8 per cent to 72.3 per cent.

[5] In 1974, the average percentage of net income to total assets for member banks in the Fourth District of the same deposit-size group was 1.1 percent, while the figure for Bank was 0.45 percent.

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich and Jackson. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governors Holland and Partee.

Board of Governors of the Federal Reserve System, May 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.76-14358 Filed 5-17-76;8:45 am]

## D. H. BALDWIN CO.

### Proposed Joint Venture Formation of FMC-Baldwin Leasing Company

D. H. Baldwin Company, Cincinnati, Ohio, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to form de novo a joint venture partnership, FMC-Baldwin Leasing Company, Chicago, Illinois. The partners of the joint venture are to be The Baldwin Company, a wholly-owned subsidiary of the Applicant and FMC Finance Corporation, a wholly owned subsidiary of FMC Corporation; both of Chicago, Illinois. Notice of the application was published on September 17, 1975 in the Chicago Tribune, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of personal property leasing or acting as agent, broker, or advisor in leasing such property. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 7, 1976.

Board of Governors of the Federal Reserve System, May 12, 1976.

GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.76-14359 Filed 5-17-76;8:45 am]

## MANUFACTURERS HANOVER TRUST COMPANY

### Order Approving Application for Merger of Banks

Manufacturers Hanover Trust Company, New York, New York ("Applicant"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Manufacturers Hanover Trust Company/Mid-Hudson, Monroe, New York ("Mid-Hudson Bank"), and Manufacturers Hanover Trust Company/Suffolk, National Association, Bay Shore, New York ("Suffolk Bank"), under the charter and title of Applicant. As an incident to the proposed merger, all of the existing offices of the Mid-Hudson Bank and Suffolk Bank would become branch offices of the resulting bank. The banks involved in this proposal are subsidiaries of Manufacturers Hanover Corporation, New York, New York, a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. § 1841 et seq.).

As required by the Act, notice of the proposed transaction, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Applicant, with domestic deposits of approximately $15 billion,[1] is the third largest commercial bank in New York City and also in the State, and controls approximately 13 per cent of the total deposits in the New York Metropolitan banking market.[2] Suffolk Bank ($110 million deposits), is also located in the New York Metropolitan banking market but controls only a negligible share of the total market deposits. Mid-Hudson Bank ($35 million deposits), is located in the Middletown banking market[3] where it controls approximately 6 per cent of total market deposits.

Since the three banks involved in this proposal are subsidiaries of the same bank holding company, consummation of the proposal would not eliminate any existing or potential competition, or increase the concentration of banking resources, nor does it appear that it would have any adverse effect on other banks within the respective banking markets. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant are consistent with approval of the application. It is anticipated that the proposed merger would result in operational economies and a more efficient use of management skills and resources by manufacturers Hanover Corporation. In addition, public convenience in the service areas of Mid-Hudson Bank and Suffolk Bank may be enhanced somewhat as a result of the more efficient access to the range of Applicant's services. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order nor (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By Order of the Board of Governors,[4] effective May 12, 1976.

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

[FR Doc.76-14361 Filed 5-17-76;8:45 am]

[1] All banking deposit data are as of December 31, 1975.

[2] The New York Metropolitan banking market consists of New York City, the counties of Nassau, Putnam, Rockland and Westchester, the western portion of Suffolk County; the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, and southwestern Fairfield County in Connecticut.

[3] The Middletown banking market consists of Sullivan County and Orange County with the exception of the municipalities of Newburgh, Newburgh City, New Windsor, Montgomery, Cornwall, and Highlands.

## MOUNTAIN GROVE BANCSHARES, INC.

### Formation of Bank Holding Company

Mountain Grove Bancshares, Inc., Mountain Grove, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 91 percent of the voting shares of Mountain Grove National Bank, Mountain Grove, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writ-

[4] Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Jackson and Partee. Absent and not voting: Chairman Burns ad Governor Coldwell.

ing to the Reserve Bank, to be received not later than June 1, 1976.

Board of Governors of the Federal Reserve System, May 11, 1976.

[SEAL] J. P. GARBARINI,
*Assistant Secretary of the Board.*

[FR Doc.76-14360 Filed 5-17-76;8:45 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 11, 1976 (FCC), and May 12, 1976 (NRC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC and NRC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 7, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision of Form 303, Application for Renewal of License for Commercial Television Station. This form is required to be filed by approximately 705 Broadcast Station licensees applying for renewal of a commercial television station license pursuant to Section 1.539(d) (1) of the Commission's Rules. (Licensees applying for renewal of an AM or FM radio station license are required to use new Form 303-R, Application for Renewal of License for Commercial AM or FM Radio Station.) FCC estimates reporting burden for Form 303 to be 56 hours per response.

FCC requests clearance of a new Form 303-R, Application for Renewal of License for Commercial AM or FM Radio Broadcast Station. This form is required to be filed by 2400 licensees applying for renewal of a commercial AM or FM radio broadcast station license. Previously, FCC Form 303 was used for this purpose. (FCC Form 303 has been revised and is now titled, Application for Renewal of License for Commercial Television Broadcast Station.) FCC estimates reporting burden for Form 303-R to be 32 hours per response.

NUCLEAR REGULATORY COMMISSION

NRC requests clearance of a revision of Form NRC/ERDA-742, "Material Status Report", formerly Form AEC-742. This report serves as a confirmation document pertaining to the location, composition, and status of special nuclear material inventories in the possession of NRC licensees. The information called for on Form NRC/ERDA-742 is needed by the Commission to carry out its responsibilities for assuring that special nuclear materials are adequately safeguarded in the interest of the common defense and security of the United States. Respondents are 200 NRC special nuclear material licensees who file a separate Form NRC/ERDA-742 for each type of special nuclear material semi-annually. NRC estimates a reporting burden of one hour for each form.

CARL F. BOGAR,
*Assistant Director,*
*Regulatory Reports Review.*

[FR Doc.76-14399 Filed 5-17-76;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[AA1921-155]

### HOLLOW OR CORED CERAMIC BRICK AND TILE

#### Amendment of Notice of Investigation and Hearing

The United States International Trade Commission's Notice of Investigation and Hearing on Hollôwor cored Ceramic Brick and Tile from Canada, investigation No. AA1921-155 under section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19383), is amended by changing the time of the hearing from 10 a.m., e.d.t., to 10 a.m., p.d.t.

By order of the Commission.

Issued: May 13, 1976.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.76-14452 Filed 5-17-76;8:45 am]

[AA1921-154]

### ACRYLIC SHEET FROM JAPAN

#### Amendment of Notice of Investigation and Hearing

The United States International Trade Commission's Notice of Investigation and Hearing on Acrylic Sheet from Japan, investigation No. AA1921-154 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), published in the FEDERAL REGISTER on May 10, 1976 (41 FR 19163), is amended by changing the date advice was received from the Department of the Treasury from April 23, 1976, to April 26, 1976.

By order of the Commission.

Issued: May 13, 1976.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.76-14453 Filed 5-17-76;8:45 am]

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### PRIVACY ACT OF 1974

#### Notice of Additional Routine Use

Pursuant to the Privacy Act of 1974 (P.L. 93-579), the Joint Board for the Enrollment of Actuaries hereby gives notice of a routine use which it proposes to adopt for the systems of records described in its previously published notice (40 FR 39227):

Disclosure from the record of an individual may be made to a congressional office, in response to an inquiry which such congressional office presents as being made on behalf of, and at the request of, that individual.

Public comment is invited with respect to this routine use. Comments may be filed on or before June 17, 1976, addressed to the Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

ROWLAND E. CROSS,
*Chairman.*

[FR Doc.76-14455 Filed 5-17-76;8:45 am]

## MARINE MAMMAL COMMISSION

### MEETING

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on 22-24 July 1976 in Santa Cruz, California. Notice of the specific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meetings. Suggestions should be submitted in writing to the Marine Mammal Commission, 1625 Eye Street, N.W., Washington, D.C. 20006 by 15 June 1976.

Dated: May 11, 1976.

JOHN R. TWISS, Jr.,
*Executive Director,*
*Marine Mammal Commission.*

[FR Doc. 76-14394 Filed 5-17-76; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 10, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: School Principal Telephone Interview Protocol, OE–500–1, 2, single-time, elementary school principals, Raynsford, R., 395–3814.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

(This occupational supplement is a prototype for approximately 100 variations).

Finance and Business Occupational Supplement, CSC 1203–A, on occasion, Applicants for Federal Employment, Caywood, D. P., 395–3443.

VETERANS ADMINISTRATION

Mobile Home Loan Claim Under Loan Guaranty (combination loan-mobile home unit and lot), 26–8630, on occasion, holder, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

Standard Certificates of Death, HRANCHS 020, on occasion, George Hall, 395–6140.

Standard Certificates of Live Birth, HRANCH S020, on occasion, George Hall, 395–6140.

Application to Participate in the Nursing Capitation Grant Program, annually, accredited or reasonably assured schools human resources division, Richard Eisinger, 395–3532.

Standard Certificates of Marriage, HRAN CHS020, on occasion, George Hall, 395–6140.

Standard Certificate of Fetal Death, PHS–798, on occasion, George Hall, 395–6140.

Standard Certificates of Divorce and Annulment, HRANCHS020, on occasion, George Hall, 395–6140.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.76–14354 Filed 5–17–76;8:45 am]

## CLEARANCE OF REPORTS

### Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on 05/12/76 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary: Freedom of Information Questionnaire, single- time, requestors of grant application information, Richard Eisinger, 395–6140.

Office of Human Development: Questionnaires for Vocational Rehabilitation Agencies on use in 1976 FY par, single-time, State vocational rehabilitation agency directors & staff, Raynsford, R., 395–3814.

Office of the Secretary: Grantee request for FY '76 Handicapped Funds, single-time, approx. 1100 Head Start grantees, Caywood, D. P., 395–3443.

EXTENSIONS

TENNESSEE VALLEY AUTHORITY

Power Distributors Report (financial condition), TVA–3957, annually, electric companies who purchase power from TVA, Caywood, D.P., 395–3443.

Power Distributors (balance sheet of debits and credits), TVA–4171, monthly, electric companies who purchase power from TVA, Caywood, D. P., 395–3443.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.76–14542 Filed 5–17–76:8:45 am]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301–8]

### NATIONAL SOYBEAN PROCESSORS ASSOCIATION AND AMERICAN SOYBEAN ASSOCIATION

### Further Postponement of Hearing

A hearing in this case was originally scheduled for 10:00 a.m., on Tuesday, May 11, 1976 and a postponement was requested and granted until Thursday, May 20 at 10:00 a.m.

On request of the petitioner, the hearing has been further postponed and will be held on Tuesday, June 22, 1976, in the Office of the Special Representative, 1800 G Street, N.W., Washington, D.C. Room 730.

JOHN GREENWALD,
*Acting General Counsel.*

[FR Doc.76–14541 Filed 5–17–76;8:45 am]

## DEPARTMENT OF LABOR

### Labor-Management Services Administration

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### EMPLOYEE BENEFIT PLANS

### Pendency of Exemption Relating to a Transaction Involving Stryco Manufacturing Company Pension Trust, et al. (Application No. D–417)

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) (A) through (E) of the Code. The pending exemption was requested in an application filed by Stryco Manufacturing Company (Stryco), 860 Hamilton Corporation (860 Hamilton), Ernest N. C. Moore (Moore), Christian C. E. Hoebrich (Hoebich), Dean E. Plankenhorn (Plankenhorn) and Russell C. Arquette (Arquette) (collectively referred to as "Applicants") for a transaction involving an extension of credit by the Stryco Manufacturing Company Pension Trust (the Plan) to Stryco and for related transactions.

The Applicants are defendants in a lawsuit brought by a former participant in and vested beneficiary of the Plan. The defendants (except Plankenhorn) and the Secretary of Labor, as plaintiff-intervenor in that litigation, entered into a stipulation pursuant to which a prior alleged prohibited transaction involving the Plan and the defendants is to be revised, and it is this revised transaction for which an exemption is requested. The application was filed pursuant to section 408(a) of the Act and section 4975(a)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

*Summary of representations.* The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Department and the Service for a complete statement of the representations of the Applicants.

1. Stryco was incorporated in California in 1957. Until the sale of its assets in 1975, it was engaged in the manufacture and sale of resistance welding equipment and related pursuits.

2. In 1966, Stryco established the Plan and continued to make contributions to it until approximately June 1971 when contributions ceased.

3. In May 1970, a fire destroyed Stryco's main manufacturing plant and its contents. A dispute with the fire insurance company regarding fire insurance coverage ensued, and Stryco eventually sued the insurance company in order to obtain a major portion of the proceeds of its fire insurance policy. Following the fire, Arquette loaned Stryco approximately $40,000.

4. In 1971, Stryco was encountering financial difficulties. As a result, from June 1971 to November 1972, Stryco borrowed from the plan $116,446.58, which represented substantially all of the Plan's assets. In exchange for the loans, Stryco issued a total of seven notes to the Plan, each note maturing in two years and secured by the inventory and unencumbered fixed assets of Stryco.

5. The notes were not repaid when they came due, but were renewed in September 1973. A new series of nine notes was issued in October 1974 for a principal amount of $131,720,000, with maturity dates in 1975 and 1976. The security interest held by the Plan for the notes renewed in September 1973 and the new notes issued in October 1974 remained unchanged from the original security interest.

6. In the latter part of 1974, Moore and Hoebich, as principals in 860 Hamilton, offered to purchase the assets of Stryco subject to certain conditions, including resolution of the recurring problem of Stryco's indebtness to the Plan. The notes then held by the Plan (i.e., the notes issued in October 1974) would begin maturing in June 1975, and it appeared that Stryco once again would not be able to pay the notes as they came due.

7. On December 6, 1974, Moore became President of Stryco, and on December 16th, Moore and Hoebich became members of the Stryco board of directors and remained as directors until the purchase of Stryco's assets by 860 Hamilton on September 30, 1975.

8. The board of directors of Stryco appoints the members of the Plan's Investment Committee. The authority of the Plan's trustee to, among other things, loan Plan assets and renew or extend the time of payment of any obligation due or becoming due can be exercised only in accordance with the written directions of the Investment Committee.

9. On January 6, 1975, Stryco agreed to sell all of its assets to 860 Hamilton, pursuant to an Agreement of Purchase and Sale of Assets (Sale Agreement). Arquette was a party to the agreement as Chairman of the Board and a principal shareholder of Stryco. Mrs. Arquette signed the agreement as an officer and a principal shareholder of Stryco. Moore and Hoebich executed the agreement on behalf of, and as principal shareholders of 860 Hamilton.

10. Pursuant to the terms of the Sale Agreement, Stryco agreed to sell its tangible and intangible assets to 860 Hamilton for $110,000, payable as follows: (a) $25,000 at closing; (b) a secured promissory note executed by Moore for $5,000 plus interest payable six months after closing; and (c) a secured promissory note for $80,000 plus interest, payable pursuant to a schedule set forth in the Sale Agreement, with the final payment due in 1981. 860 Hamilton agreed that it would assume certain liabilities of Stryco, including Stryco's indebtedness to the Plan.

11. The parties to the Sale Agreement (except Stryco) also executed, on the same date, a Business Support Agreement which provided for the payment of $54,000 over four years by 860 Hamilton to Mr. and Mrs. Arquette for consultation, a right to inventions, and an agreement not to compete. In addition, Mr. and Mrs. Arquette were to be paid $5,000 per year (or, at the option of Mr. and Mrs. Arquette, a percentage of profits) for their guarantee of bank loans to 860 Hamilton. This guarantee, which was originally for $100,000 and was subsequently increased to $200,000, was to be in effect, at the option of Mr. and Mrs. Arquette, for at least three years after the close of the sale of Stryco's assets to 860 Hamilton.

12. Beginning approximately in December 1974, Stryco made various proposals to the Plan regarding schedules for repaying the debt owed to the Plan. On May 15, 1975, Plankenhorn, as trustee of the Plan, and Moore, as president of Stryco, executed an Amended Loan Agreement which extended the Loan repayment period. The Amended Loan Agreement provided, among other things, that the Plan agreed to the sale of Stryco's assets to 860 Hamilton and to the discharge of Stryco from any obligation to the Plan upon assumption by 860 Hamilton of Stryco's debt. On the same date, Bank of America, a creditor of Stryco, and the Plan signed an Intercreditor Agreement. This agreement set forth the respective security interests of the parties in the assets of Stryco. Under the Intercreditor Agreement, the Plan received security interests in collateral which, absent the agreement, the Plan believed might have been subordinate to the interests of the Bank of America.

13. Pursuant to the terms of the Amended Loan Agreement, Stryco was to pay $20,000 to the Plan by no later than June 30, 1975. Any amount previously deposited in the Plan's account would be credited against this $20,000. In addition, Stryco was to make monthly payments beginning in July 1975 of $1,850 of principal and interest with interest at 10 percent per year on the unpaid balance. Stryco was to pay the total amount owed by no later than June 30, 1984, with the final monthly payment adjusted, if necessary, to complete the payments by that date. Under the terms of this agreement, 860 Hamilton would assume all liabilities of Stryco (including those to the Plan) after the sale of Stryco's assets to 860 Hamilton.

14. Under the Amended Loan Agreement and the Intercreditor Agreement, the Plan was to receive in return for refinancing the loan: (a) a first security interest in the equipment of Stryco; (b) a second security interest in inventory and/or the proceeds of inventory up to $150,000; (c) a first security interest in all inventory and/or proceeds of inventory over $150,000; and (d) the personal guarantees of Moore and Hoebich up to $30,000. The Amended Loan Agreement further required Stryco to acquire a life insurance policy on the life of Moore under which at least $50,000 (up to the unpaid balance of the loan) would inure to the benefit of the Plan in the event of Moore's death, and a disability insurance policy providing for payments of $1,850 per month to the Plan for so long as Moore was unable to perform his duties as president of Stryco, if such a policy could be obtained. Stryco also agreed to limit its indebtedness to certain percentages of its accounts receivable, inventory and equipment. In accordance with the terms of the Amended Loan Agreement, Stryco obtained the life insurance policy and a disability insurance policy providing for monthly payments of $1,750 in case of total disability and $875 in case of partial disability.

15. On August 29, 1975, one month before the sale of Stryco's assets to 860 Hamilton was to be closed, Joel C. Harris, a former participant in and vested beneficiary of the Plan, filed suit in Federal District Court, Northern District of California, against Stryco and 860 Hamilton and certain of their officers to enjoin the sale of Stryco's assets until the debt to the Plan had been repaid. He alleged that violations of the prohibited transaction provisions of the Act would occur if the sale were completed as planned.

16. On September 29, 1975, the District Court ordered that the sale could proceed, provided that the Amended Loan Agreement between the Plan and Stryco were further amended so that Stryco would remain liable to the Plan on its indebtedness, that any sale proceeds received by Stryco would not be disbursed except for taxes and an amount not to exceed $5,000 distributed in the ordinary course of business, and that all payments in excess of $5,000 under the Business Support Agreement would be made to a trustee account until further order of the court. The Amended Loan Agreement was amended on September 30 in conformity with the court order and the sale was consummated.

17. On October 14, 1975, the Secretary of Labor moved to intervene as plaintiff in this litigation. The Secretary's motion was granted, without opposition, on November 13, 1975. In his complaint, the Secretary alleged that from January 1, 1975 to September 30, 1975, defendants Arquette, Plankenhorn, Moore and Hoebich were fiduciaries with respect to the Plan and that these defendants as well as Stryco, 860 Hamilton and Dorothy Arquette were parties in interest with respect to the Plan. The Secretary further alleged that from May 15, 1975, the defendants knew or should have known that the transactions effected by the Amended Loan Agreement were prohibited by, and had not been exempted from, the prohibitions of section 406 of the Act and that the Plan was entitled to be repaid by the Plan fiduciaries for losses sustained by the Plan as a result of engaging in prohibited transactions.

18. The Secretary alleged that the transactions as set forth in the Sale Agreement, Business Support Agreement, Amended Loan Agreement and related documents had the effect, inter alia, of making available to Stryco and Arquette money which could have been, and ought to have been, applied toward the repayment of debts owed by Stryco to the Plan. The Secretary also alleged that the defendants had not made a reasonable effort to correct or remedy the situation created as a result of the prohibited transactions embodied in the Amended Loan Agreement, and requested that the defendants be required to propose to the court and other parties a scheme to re-

store the Plan's funds; that until such a proposal was approved by the court all payments owing under the Sale Agreement, Business Support Agreement and Amended Loan Agreement be deposited in an interest-bearing escrow account, and that defendants Stryco and Arquette be required to deposit in that account all monies theretofore received by them from defendants 860 Hamilton, Moore or Hoebich in connection with the sale or any other agreement.

19. The Secretary and the defendants agreed by stipulation dated January 30, 1976, that the Amended Loan Agreement, the Sale Agreement and the Business Support Agreement would be modified as provided in the stipulation to create a "New Transaction" and that the defendants would apply to the Department and the Service for an exemption for the New Transaction.

20. The New Transaction provides for repayment to the Plan by 860 Hamilton of Stryco's indebtedness by December 30, 1980, instead of by June 30, 1984. The monthly payments of $1,850 with interest at 10 percent per annum on the unpaid balance, which is the maximum interest allowable to the Plan under applicable California law, are to remain the same. The initial payment to the Plan is to be increased by $30,000, which is the amount that would otherwise have been paid to Stryco pursuant to the Sale Agreement. This amount is to be paid in addition to the $20,000 payable to the Plan by June 30, 1975 pursuant to the Amended Loan Agreement.

21. The indebtedness to the Plan will be secured by a first security interest in equipment with a value approximately 100 percent of the amount outstanding on the loan, a second security interest in inventory and/or the proceeds of inventory through $150,000, and a first security interest in all inventory and/or proceeds of inventory over $150,000. Moore and Hoebich will increase their personal guarantees for repayment of the loan to the Plan to $54,000, and their guarantee to Mr. and Mrs. Arquette under the Business Support Agreement will be subordinated to their guarantee to the Plan. Moore and Hoebich represent, by affidavits dated April 1, 1976, that each currently owns assets of sufficient value to cover the amount of the proposed personal guarantees to the Plan. As a result of the above security interests, the indebtedness of the Plan is more than 100 percent secured.

22. Payments to Mr. and Mrs. Arquette under the Business Support Agreement will be limited to $20 per hour for a maximum of 600 hours actually worked by Arquette in any 12-month period, although Mr. and Mrs. Arquette are still to be paid the guarantee fee for their personal guarantee of certain bank loans. If Arquette is paid for fewer than 600 hours of work in any year, the difference between the maximum he could have been paid and the amount he is paid for work actually done is to be paid to the Plan. No payments are to be made to Arquette or Stryco other than the specified payments to Mr. and Mrs. Arquette until the indebtedness to the Plan has been liquidated.

23. The Secretary of Labor and the defendants have moved the court for a 90-day stay to permit the defendants to apply for an exemption for the New Transaction described above. The stay was granted, and defendants applied for an exemption on February 13, 1976.

24. Notice of the pending exemption as published in the FEDERAL REGISTER will be given by registered mail to all beneficiaries of the Plan, as well as to the attorneys for beneficiary Joel C. Harris and the Stryco Pension Trust Investment Committee. Such notice will be postmarked no later than five days following receipt by applicants, using all due diligence, of any notice of such publication in the FEDERAL REGISTER. Notice of the filing of the application was provided to the same persons by personal service or registered mail postmarked on or before February 18, 1976.

*General information.* The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act or section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service are required to offer an opportunity for a public hearing where a pending exemption relates to section 406(b) of the Act and section 4975(c)(1)(E) or (F) of the Code. A public hearing has already been requested with respect to this application for exemption by the plaintiff in the pending litigation. Any other interested person may submit a written request that a hearing be held relating to the requested exemption. Such written request must be received by the Department on or before June 18, 1976, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption.

All interested persons are also invited to submit written comments on the requested exemption contained herein. In order to receive consideration, such comments must be received by the Department on or before June 18, 1976.

All written comments and all requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. D-417. The application for exemption referred to herein, all comments relating thereto, and all requests for a hearing will be available for public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

*Pending exemption.* Based upon the facts and representations set forth in the application, it has been requested that an exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26 so that: (I) effective May 15, 1975 the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act shall not apply to a transaction described in the Amended Loan Agreement, the Agreement of Purchase and Sale of Assets, Business Support Agreement and related documents as modified by the stipulation dated January 30, 1976, entered into by the Department, Stryco, 860 Hamilton, Moore, Hoebich and Arquette; and (II) effective February 13, 1976, the taxes imposed by sections 4975(a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code shall not apply to a proposed transaction described in the Amended Loan Agreement, the Agreement of Purchase and Sale of Assets, Business Support Agreement and related documents as modified by the stipulation dated January 30, 1976, entered into by the Department, Stryco, 860 Hamilton, Moore, Hoebich and Arquette.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are

true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 13th day of May, 1976.

JAMES D. HUTCHINSON,
*Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.*

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

[FR Doc.76-14477 Filed 5-14-76;10:38 am]

## Occupational Safety and Health Administration

### NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

#### Meeting

Notice is hereby given that the Subgroup on Policy and Issues, National Advisory Committee on Occupational Safety and Health, will meet on June 3, 1976 in Room N-4437, Department of Labor Building, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The Subgroup will develop recommendations on the relationship of OSHA and small business. The Subgroup also will discuss possible subjects for future agendas.

Anyone wishing to submit written data or views concerning these agenda items should submit them, preferably with 20 duplicate copies, to the Committee's Executive Secretary as soon as possible. These documents will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should contact the Committee Management Office prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications as follows:

N. Hucke, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Room N-3635, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 10th day of May 1976.

J. GOODELL,
*Executive Secretary.*

[FR Doc.76-14434 Filed 5-17-76;8:45 am]

## Office of the Secretary

[TA-W 802]

### COMPLETE AUTO TRANSIT, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 19, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Complete Auto Transit, Inc., St. Louis, Missouri, a division of Ryder Systems, Inc., Miami, Florida (TA-W-802). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transportation services provided by Complete Auto Transit, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a signifiant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 23rd day of April 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.76-14435 Filed 5-17-76;8:45 am]

### MUSHROOMS

#### Industry Study Report

On March 17, 1976, the International Trade Commission determined that increased imports of mushrooms are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 12358).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on mushrooms. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has not received any petitions for certification of eligibility to apply for worker adjustment assistance from workers engaged in the growing and processing of mushrooms.

2. Over the next twelve months some of the estimated 100 or fewer employees on layoff status from processing plants since 1975 may apply for certification of eligibility to apply for adjustment assistance and may be certified by the Department of Labor. There is no evidence of any widespread or significant unemployment among the farm workers. Since the industry has only slight seasonality, these workers would not be excluded from trade readjustment and relocation allowances by the requirement in the Act that all eligible workers must have been employed at least 26 of the 52 weeks immediately preceding their separations.

3. Somewhat fewer than 100 workers are likely to be laid off from mushroom processing plants over the next year if the decline in the industry of the past few years continues. Many of these workers can be expected to apply for adjustment assistance.

4. The workers that were separated from the industry are located primarily in southeastern Pennsylvania and northern Delaware. Local unemployment rates in all of the impacted areas were close to 7 percent or higher. In view of these high general unemployment rates and the lack of demand for these workers in other food processing plants in the impacted areas, their employment prospects are not good.

5. The Comprehensive Employment and Training Act (CETA) programs may not be capable of meeting the needs of the displaced workers, with the possible exception of northern Delaware. On balance, the actual levels of enrollment in many of these programs are very close to the expected levels, indicating few current vacancies. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 12th day of May 1976.

JOEL SEGALL,
*Deputy Under Secretary,*
*International Affairs.*

[FR Doc.76-14436 Filed 5-17-76;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[AB 109]

### QUANAH, ACME AND PACIFIC RAILWAY COMPANY ABANDONMENT BETWEEN ACME AND FLOYDADA, IN HARDEMAN, COTTLE, MOTLEY AND FLOYD COUNTIES, TEXAS

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing,* That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered,* That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Hardeman, Cottle, Motley and Floyd Counties, Tex., on or before May 27, 1976 and certify to the Commission that this has been accomplished.

*And it is further ordered,* That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 5th day of May 1976.

By the Commission, Commissioner Brown.

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

The Interstate Commerce Commission hereby gives notice that by order dated May 5, 1976, it has been determined that the proposed abandonment by the Quanah, Acme and Pacific Railway Company of a line of railroad between Acme and Floydada, Tex., a distance of 104.8 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic at the levels of recent years should result in only minimal increases in energy consumption, highway traffic, air pollution, and noise intrusions. Although certain efforts at economic development along the line are occurring, the abandonment is not expected to have a serious adverse effect on these efforts or on rural economic or community development in the area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 11, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-14447 Filed 5-17-76;8:45 am]

[No. 36253]

### ROADWAY EXPRESS, INC., PETITION FOR DECLARATORY ORDER—CLASSIFICATION DESCRIPTION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of May, 1976.

*It appearing,* That, on September 8, 1975, a petition was filed by Roadway Express, Inc. requesting a declaratory order, concerning a commodity described in the petition as "wire protector sleeves, plastic, split."

*It further appearing,* That the issue raised by Roadway in its petition for declaratory order is whether the transportation of "wire protector sleeves, plastic, split", having a density of two pounds per cubic foot, but less than four pounds, are properly ratable according to National Motor Freight Classification Item 156600, Sub 3, as plastic articles, other than expanded, NOI, at LTL Class 250 or whether they are properly ratable as plastic tubing, in straight lengths, inside diameter two inches or less, not exceeding 21 feet in length, according to Classification Item 156994, Sub 4, at LTL Class 70.

*It further appearing,* That the petition discloses a controversy or uncertainty which would warrant the entry by the Commission of a declaratory order for the future;

*And it further appearing,* That by petitions filed October 1, 1975, and October 8, 1975, Essex International, Inc., and the National Classification Committee, respectively, seek leave to intervene should a proceeding be instituted; that the National Classification Committee is a part of the Association which publishes the National Motor Freight Classification including the classification ratings at issue in this proceeding; and that Essex International, Inc., is a consignee receiving shipments of the commodity herein involved and will be affected by the decision herein:

Wherefore, and for good cause:

*It is ordered,* That the petition be, and it is hereby, granted to the extent of instituting this proceeding to determine the question presented.

*It is further ordered,* That the National Classification Committee and Essex International, Inc. be, and they are hereby, permitted to intervene and be treated as parties to this proceeding, provided, however, that the permission to intervene herein granted shall not be construed to allow intervenors to broaden unduly the issues raised in this proceeding.

*And it is further ordered,* That any person interested in the matter which is the subject of the petition and who wishes to participate actively in further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423, on or before May 31, 1976, an original and one copy of a statement of his intention to participate. Thereafter, this proceeding will be set for handling under the modified procedure. The petition and statements of intention to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this order will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this order in the Office of the Commission's Secretary at Washington, D.C., and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2, Commissioners Hardin, O'Neal and Clapp.

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

[FR Doc.76-14448 Filed 5-17-76;8:45 am]

[Notice No. 48]

### ASSIGNMENT OF HEARINGS

MAY 13, 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 hearing 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 41404 Sub-122, Argo-Collier Truck Lines, now being assigned July 27, 1976 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 119792 Sub-51, Chicago Southern Transportation Company, a Corporation, now being assigned July 28, 1976 (3 days), at New Orleans, La., in a hearing room to be later designated.

No. 36098, *Sterling Colorado Beef Company, Inc.* v. *The Atchison, Topeka and Santa Fe Railway Company*, et al., now being assigned for continued hearing on May 23, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140902 Sub-1, DPD, Inc., now being assigned for continued hearing on May 26, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 59135 (Sub-No. 31), Red Star Lines of Auburn, Inc. DBA Red Star Express Lines now assigned July 12, 1976, at Pittsburgh, Pa. and July 19, 1976, at New York, N.Y. now being advanced to June 21, 1976 (1 week), at Pittsburgh, Pa. and June 28, 1976, at New York (1 week); in a hearing room to be later designated.

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

[FR Doc.76-14449 Filed 5-17-76;8:45 am]

[Notice No. 250]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 18, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 7, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76417. By order of May 13, 1976 the Motor Carrier Board approved the transfer to R. T. Truck Service, Inc., Hardinsburg, Ky., of the operating rights in Certificate No. MC 136072 issued April 12, 1972, to Scott County Freight Lines, Inc., Scottsburg, Ind., authorizing the transportation of general commodities, with exceptions, over regular routes, between Scottsburg, Ind., and Louisville, Ky., serving no intermediate points, and restricted against interchange at Scottsburg and Louisville and to the transportation of traffic originating in or destined to Scottsburg and Louisville. Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-76428. By order of May 12, 1976 the Motor Carrier Board approved the transfer to C. Summers, Inc., Elizabethville, Pa., of the operating rights in Permits No. MC 129886, MC 129886 (Sub-No. 1), MC 129886 (Sub-No. 2), MC 129886 (Sub-No. 3), MC 129886 (Sub-No. 4), MC 129886 (Sub-No. 7), and MC 129886 (Sub-No. 9), issued May 8, 1969, February 10, 1970, September 4, 1970, March 24, 1972, December 21, 1970, May 16, 1973, and May 10, 1974, respectively, to Calvin E. Summers, Elizabethville, Pa., authorizing the transporation of meats, meat products, and frozen foods from and to specified points and areas in Pennsylvania, Delaware, Maryland, New York, New Jersey, Ohio, Virginia, West Virginia, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Michigan, Arkansas, Illinois, Indiana, Louisiana, Missouri, Texas, Wisconsin, and the District of Columbia. John W. Frame, 2207 Old Gettysburg Rd., Camp Hill, Pa. 17011, applicant's representative.

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

[FR Doc.76-14450 Filed 5-17-76;8:45 am]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43161—*Newsprint Paper, Also Returned Shipments of Newsprint Paper Winding Cores, from Sheldon, Texas to Points in Illinois.* Filed by Southwestern Freight Bureau, Agent, (No. B-604), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in Illinois.

Grounds for relief—Rate relationship.

Tariff—Supplement 68 to Southwestern Freight Bureau, Agent, tariff 306-F, I.C.C. No. 5104. Rates are published to become effective on June 12, 1976.

FSA No. 43162—*Phosphatic Fertilizer Solution to Points in Western Trunk Line Territory.* Filed by Trans-Continental Freight Bureau, Agent, (No. 503), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank-car loads, as described in the application, from Silver Bow, Montana, to points in western trunk-line territory, Illinois, and Kentucky.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 196 to Trans-Continental Freight Bureau, Agent, tariff 14-P, I.C.C. No. 1785. Rates are published to become effective on June 15, 1976.

FSA No. 43163—*Joint Water-Rail Container Rates—A. P. Moller-Maersk Line.* Filed by A. P. Moller-Maersk Line (No. 4), for itself and interested rail carriers. Rates on general commodities, between rail and motor freight terminals on the U.S. Gulf and Atlantic Coasts, and ports in Japan, Hong Kong, The Philippines, Taiwan, Thaland, Singapore, Malaya, Korea and Indonesia.

Grounds for relief—Water competition.

Tariff—A. P. Moller-Maersk Line tariff I.C.C. No. 8. Rates are published to become effective on May 30, 1976.

By the Commission.

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

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TUESDAY, MAY 18, 1976

PART II:

# ENVIRONMENTAL PROTECTION AGENCY

■

# CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

## Effluent Limitations Guidelines and Standards

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS, GUIDELINES AND STANDARDS

# PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

[FRL 540-4]

## Interim Final Rule Making

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 458—carbon black manufacturing point source category and will be applicable to existing sources for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process (Subpart D) of the carbon black manufacturing 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 carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D).

(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 carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing 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 carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing 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. This included a survey 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 within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is 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 each of the technologies. The problems, limitations and reliability of each treatment and control technology 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 each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then 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 upon which the above analysis was performed included EPA permit applications, EPA sampling and inspec-

tions, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

(i) Categorization.

For the purpose of establishing effluent limitations, guidelines and standards, carbon black manufacturing was divided into four subcategories, the furnace black, thermal black, channel black and lamp black subcategories. Factors such as type of product, water requirements, type of manufacturing processing, treatability of wastewaters, and other means were used to establish effluent limitations guidelines and standards of performance for each of the specific subcategories. The largest contributing factors are processing and treatability based on production volume and specific water requirements. For example, the production of carbon black by the furnace and thermal processes are net users of water. That is, more water enters the processes than is discharged; therefore, the carbon black furnace and thermal processes subcategories operations can achieve a no discharge of process wastewater pollutants by recycling process effluent waters to the quench step. The channel and lamp black processes are dry operations also resulting in no discharge of process wastewater pollutants.

(ii) Waste characteristics.

The known significant wastewater pollutants and pollutant properties resulting from carbon black manufacturing include TDS, TSS, pH, acidity, alkalinity, iron, copper and manganese.

(iii) Origin of wasterwater pollutants.

Sources of wastewater pollutants in the carbon black industry include aqueous wastes from exhaust scrubbers, process equipment cleanouts, production area washdowns, spill washdowns, and laundry operations.

Pollutant parameters for carbon black manufacturing pertain to wastewaters from process operations. Process wastewater pollutants are proportional to the level of production and it was therefore possible to estabilsh limitations and standards on the basis of production. Other pollutant sources within carbon black manufacturing plants from nonprocess sources such as utilities, laboratories and others are generally not related to production unless otherwise noted.

(iv) Treatment and control technology.

Wastewater treatment and control technologies have been studies for each subcategory of this industry to determine what is the best practicable control technology currently available.

Two of the four subcategories are "dry processes", i.e., they have only facilities which do not discharge wastewaters. The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other wastewater treatment alternatives which provide equivalent or better levels of treatment.

Wastewater impoundments have been identified as a practicable pollution control technology, for all subcategories other than channel black, which is not a water user. However, if not properly designed, maintained and operated, they may be subject to runoff from their drainage area. New sources can be properly located and designed to avoid this problem. Furthermore, existing impoundments can be modified by construction of diversion ditches or by increasing the amount of surge capacity of the impoundment with either a higher dam or a lower operating water level.

The application and performance of various control and treatment technologies to reduce the quantities of pollutants discharged to navigable waters as a result of the production or processing operations in carbon black manufacturing are specific to the product manufactured or processed. However, many in-process control measures, may be generally applied to several process subcategories.

Good in-process control is a significant pollution abatement technique for all products produced in the carbon black industry. Practices such as minimization and containment of spills and leaks, segregation of waste streams, monitoring process wastewater, water conservation and reuse, wastewater equalization and good housekeeping, process operation and equipment maintenance are necessary to eliminate or reduce the volume of process wastewater requiring treatment.

Most carbon black production from the furnace and thermal processes generates no effluent discharge if end-of-pipe evaporation/recycle of process waters are used. Plants in this subcategory frequently achieve no discharge by virtue of use of evaporative ponds.

The channel and lamp black processes are essentially dry, requiring no additional effluent treatment, because the existing technology averts the discharge of process wastewater pollutants under normal operating conditions. One plant employs a wet scrubber system, but this facility also achieves no discharge.

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 non-hazardous. A variety of potential 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 industry 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 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 for each product type/process within a subcategory on the basis of the cost per 1,000 pounds of production. Some simplifying assumptions were made to determine costs on a product by product basis. These assumptions are:

(1) that each product type/process is a discrete plant whose process 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.

The cost for carbon black plants using the furnace process or the thermal process is low enough to be passed on through as price changes or absorbed into the profit margin with minimum economic effects. The total investment cost to meet BPCTCA and BATEA is $2,380,000. Annual cost for the carbon black subcategories for BPCTCA and BATEA is $500,000. Hence, the economic impact of regulating the carbon black industry is expected to be small.

New plants being built can avoid major future waste abatement costs by inclusion of: (1) dikes, emergency holding ponds, catch basins and other containment facilities, for leaks, spills and washdowns, in those cases where it is not possible to minimize these by means of in-plant operations, (2) piping, trenches, sewers, sumps, and other isolation facilities to keep leaks, spills and process water separate from cooling and sanitary water, (3) non-contact condensers for cooling water, (4) efficient reuse, recycling and recovery of all possible raw materials and by-products and

(5) closed cycle water utilization whenever possible.

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 manufacturer 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 from 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 plant-supplied costs for similar waste treatment installation at plants making similar products or general cost estimates for treatment technology.

(vi) Energy requirements and nonwater quality environmental impacts.

There are no major nonwater quality considerations which may be associated with ultimate waste disposal since the wastes flows range from zero to quite small quantities.

Other nonwater quality aspects, such as noise levels, will not be perceptibly affected. Most chemical plants generate fairly high noise levels (85–95 decibels) within the battery limits because of equipment such as pumps, compressors, steam jets, flare stacks, etc. Equipment associated with in-process control systems would not add significantly to these levels.

Energy requirements associated with treatment and control technologies are not significant when compared to the total energy requirements for this industry. Power consumption for the in-plant recycle system would require 0.2 of one percent of the total plant power consumption for typical carbon black plants.

(vii) Economic and inflationary impact analysis.

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 proposals has been evaluated. The Administrator has directed that all regulatory actions that are likely to result in (1) annualized costs of $100 million, (2) additional costs of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil per day will require a certified inflationary impact statement. The analysis indicates that the total investment required to meet these regulations is $2.4 million with an annualized cost of $0.5 million. The costs as a percent of selling price are no more than 0.8%. Although the criteria for performing a certified inflationary impact statement have not been exceeded, the analysis that has been performed meets all the necessary requirements. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations. Internal costs given in 1974 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital, and depreciation. The cost of pollution treatment was obtained from the Development Document and is based upon water recycle technology. The costs do not include work such as storm sewer piping or changes in plant equipment that might be necessary in some plants. These plant modifications would cause the economic and inflationary impact to be greater than indicated below, but not so much as to cause a severe effect on the industry. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

The furnace black subcategory requires an investment of $1,870,000 and incurs annual costs of $380,000. These costs are incurred in 1977 with no additional expense required in 1983. The unit treatment costs are only 0.4% of selling price, thus limiting the price increase to a like magnitude. These furnace black plants have small washdown and stormwater runoff streams that could be segregated. This process uses fuel oil as a feedstock rather than the higher priced natural gas as used by the thermal black process, causing some growth of the furnace black process.

There is a thermal black plant which is a direct discharger, using wet scrubbers for air pollution control. This plant has significantly higher wastewater flows than the norm for the subcategory. Other plants who have no discharge also use wet scrubbers. It is possible that this thermal black plant could incur substantially higher costs for meeting the 1977 standards than the figures indicated.

The thermal black subcategory requires an investment of $510,000 and incurs annual costs of $120,000. These costs are incurred in 1977 with no additional expense necessary in 1983. The unit treatment costs are 0.8%, thus limiting the likely price increase to a similar amount. This manufacturing process uses natural gas as a feedstock, causing the use of the thermal black process to decline as natural gas became relatively more expensive than fuel oil. There are currently three thermal black plants that are achieving zero discharge. There appear to be no major differences in product between the one discharging and the three nondischarging plants in this subcategory. Additionally, the recent up-swing in automotive production, to which carbon black production is closely tied, has increased the demand and decreased the price elasticity. It is primarily this increase in demand coupled with the relatively low treatment costs involved that cause the economic impact to this industry to be minimal.

Neither the channel black or lamp black subcategories discharged process wastewater, so there is no economic impact on these subcategories.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category" details the analyses 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 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 in final rather than interim 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 proposed for the carbon black manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to participants and comments were solicited on that report. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); all State and U.S. Territory Pollution Control Agencies; Monsanto Company; U.S. Department of Health, Education and Welfare; Cabot Corporation; National Ecological Research Center; Office of Environmental Affairs; Ohio River Valley Sanitation Commission; The Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National

Wildlife Federation; Carbon Adsorption Systems; American Carbon Committee; Carbon Black Producers Traffic Committee; Manufacturing Chemists Association; American Society of Mechanical Engineers; American Medical Association, Public Health Division; U.S. Water Resources Council; U.S. Department of Defense; U.S. Department of Interior; Ashland Carbon Company; Cabot Corporation; Cities Services; Continental Carbon Company; J. M. Huber Corporation; Sid Richardson Carbon and Gasoline Company; Thermoatomic Carbon Company.

It should be noted that some of the recipients of the contractor's draft documents appear to be from persons involved in manufacturing activities not covered in this regulation. This situation may be due to the fact that eight industries were handled administratively within the project called miscellaneous chemicals, and that the development document put out for public comment embraced all eight industries.

The following responded with comments: Cabot Corporation; Effluent Standards and Water Quality Information Advisory Committee; J. M. Huber Corporation; Michigan Department of Natural and Economic Resources; National Ecological Research Center; North Carolina Department of Natural and Economic Resources; State of Delaware Department of Natural Resources and Environmental Control; U.S. Department of Interior; U.S. EPA Region VI; and U.S. Water Resource Council.

The primary issues raised in the development of these interim final effluent limitations and guidelines are as follows:

(1) One commenter's concern was thermal pollution can be as drastic in groundwater as in surface water and should be considered in setting effluent limitations guidelines.

All cooling water in this industry is direct contact quench water and is vented as steam to the atmosphere; therefore thermal pollution to groundwater is not a problem in the carbon black segment.

(2) One commenter was concerned with the potential groundwater problem of landfilling solid wastes.

This is not expected to be a problem for the carbon black manufacturing point source category since all known potentially toxic or hazardous materials in carbon black are essentially inert. Some plants, due to a lack of available space and the fact that carbon is combustible, are burning the solid wastes in enclosed brick-lined pits. This is an inexpensive viable alternate to the landfill problem.

(3) Several commenters felt that the no discharge of process wastewater for the furnace black process was unrealistic. The no discharge level could not be met without product contamination resulting due to excess dissolved solids build-up resulting in high ash content on the carbon product.

This problem does not exist in the arid region of the southwest where all fifteen furnace plants have achieved no discharge of process wastewater, nor is this expected to be a problem in the water surplus region. The EPA survey presented in the development document clearly shows that eight out of nineteen of these plants manufacturing all grades of carbon black in water surplus regions have also achieved no discharge of process wastewater pollutants without product contamination. The other eleven plants in the water surplus regions, making the same range of products, can easily convert to no discharge without product contamination. Data available at this time indicate that recycle will not cause a quality problem since the ratio of recycled water to total quench water is small.

(4) One commenter believed that dual-media filtration is not a demonstrated control technology.

It should be understood that the treatment system is presented only for a cost model. The choice of treatment is up to the individual plant. Dual-media filtration is well known and demonstrated technology, currently used in the petroleum refining, grain milling and other industries for effluent solids control. The basic characteristics of the solids in this effluent are amenable to treatment in this way.

A number of other comments were received and were considered not to be applicable to the subcategory(ies) being promulgated today and have been omitted from the preceding discussion. Appropriate consideration and responses will be made at the time of publication of the regulations applicable to those subcategories.

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 industry 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 USC § 553(b) that notice and comment on 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 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 17, 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 458 is hereby established as set forth below.

Dated: April 30, 1976.

RUSSELL R. TRAIN,
*Administrator.*

**Subpart A—Carbon Black Furnace Process Subcategory**

Sec.

458.10 Applicability; description of the carbon black furnace process subcategory.
458.11 Specialized definitions.
458.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart B—Carbon Black Thermal Process Subcategory**

458.20 Applicability; description of the carbon black thermal process subcategory.
458.21 Specialized definitions.
458.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart C—Carbon Black Channel Process Subcategory**

458.30 Applicability; description of the carbon black channel process subcategory.

Sec.
458.31 Specialized definitions.
458.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practical control technology currently available.

Subpart D—Carbon Black Lamp Process Subcategory

458.40 Applicability; description of the carbon black lamp process subcategory.
458.41 Specialized definitions.
458.42 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), 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.; Pub. L. 92-500) (the Act).

## Subpart A—Carbon Black Furnace Process Subcategory

### § 458.10 Applicability; description of the carbon black furnace process subcategory.

The provisions of this subpart are applicable to discharges resulting from the from the production of carbon black by the furnace process.

### § 458.11 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 carbon black by the furnace process.

### § 458.12 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the furnace process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

## Subpart B—Carbon Black Thermal Process Subcategory

### § 458.20 Applicability; description of the carbon black thermal process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the thermal process.

### § 458.21 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 carbon black by the thermal process.

### § 458.22 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the thermal process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

## Subpart C—Carbon Black Channel Process Subcategory

### § 458.30 Applicability; description of the carbon black channel process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the channel process.

### § 458.31 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 carbon black by the channel process.

### § 458.32 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the channel process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

## Subpart D—Carbon Black Lamp Process Subcategory

### § 458.40 Applicability; description of the carbon black process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the lamp process.

### § 458.41 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 carbon black by the lamp process.

### § 458.42 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the lamp process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

[FR Doc.76-13811 Filed 5-17-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 458 ]

[FRL 540-4]

### CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

**Effluent Limitations, Guidelines and Standards for Existing Sources; Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Sources**

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 458 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 carbon black manufacturing point source category. The regulation proposed below will amend 40 CFR 458—carbon black manufacturing point source category by adding sections 458.13, 458.14, 458.15 and 458.16 to the carbon black furnace process subcategory (Subpart A), sections 458.23, 458.24, 458.25 and 458.26 to the carbon black thermal process subcategory (Subpart B), sections 458.33, 458.34, 458.35 and 458.36 to the carbon black channel process subcategory (Subpart C) and sections 458.43, 458.44, 458.45 and 458.46 to the carbon black lamp process subcategory (Subpart D) 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 carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing 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 standard 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 the proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the carbon black manufacturing 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 carbon black furnace process subcategory (Subpart A), the carbon black process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing 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. Sections 458.16, 458.26, 458.36 and 458.46, proposed below, provide pretreatment standards for new sources within the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart E), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing 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 proposed 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 carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category at a future date.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) 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. This 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.

Sections 458.14, 458.24, 458.34 and 458.44 of the regulation reserved below are intended to implement the intent of § 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements at a future date.

Questions were raised during 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 general, EPA believes the analysis supporting the effluent limitations and guidelines is 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 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 Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., 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 subcategories being simultaneously 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., SW., 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, SW., Washington D.C. A copy of preliminary draft contractor reports, the Development Document 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 17, 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).

Dated: April 30, 1976.

RUSSELL R. TRAIN,
*Administrator.*

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## PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

### Subpart A—Carbon Black Furnace Process Subcategory

Sec.
458.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
458.14 [Reserved]
458.15 Standards of performance for new sources.
458.16 Pretreatment standards for new sources.

### Subpart B—Carbon Black Thermal Process Subcategory

458.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
458.24 [Reserved]
458.25 Standards of performance for new sources.
458.26 Pretreatment standards for new sources.

### Subpart C—Carbon Black Channel Process Subcategory

Sec.
458.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
458.34 [Reserved]
458.35 Standards of performance for new sources.
458.36 Pretreatment standards for new sources.

### Subpart D—Carbon Black Lamp Process Subcategory

458.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
458.44 [Reserved]
458.45 Standards of performance for new sources.
458.46 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.; Pub. L. 92-500) (the Act).

### Subpart A—Carbon Black Furnace Process Subcategory

**§ 458.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

**§ 458.14 [Reserved]**

**§ 458.15 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 458.16 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black furnace process subcategory which is a user of a publicly owned treatment works 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. |

### Subpart B—Carbon Black Thermal Process Subcategory

**§ 458.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitaitons establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black thermal process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

**§ 458.24 [Reserved]**

**§ 458.25 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black thermal process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 458.26 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black thermal process subcategory which is a user of a publicly owned treatment works 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. |

### Subpart C—Carbon Black Channel Process Subcategory

**§ 458.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

**§ 458.34 [Reserved]**

**§ 458.35 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 458.36 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black channel process subcategory which is a user of a publicly owned treatment works 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. |

### Subpart D—Carbon Black Lamp Process Subcategory

**§ 458.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

**§ 458.44 [Reserved]**

**§ 458.45 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 458.46 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black thermal process subcategory which is a user of a publicly owned treatment works 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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federal register

TUESDAY, MAY 18, 1976

PART III:

# ENVIRONMENTAL PROTECTION AGENCY

# GUM AND WOOD CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS, GUIDELINES AND STANDARDS

[FRL 540–7]

# PART 454—GUM AND WOOD CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

## Interim Final Rule Making

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 454—gum and wood chemicals manufacturing point source category and will be applicable to existing sources for char and charcoal briquets subcategory (Subpart A); the gum rosin and turpentine subcategory (Subpart B); the wood rosin, turpentine and pine oil subcategory (Subpart C); the tall oil rosin, pitch and fatty acids subcategory (Subpart D); the essential oils subcategory (Subpart E); and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 char and charcoal briquets subcategory (Subpart A); the gum rosin and turpentine subcategory (Subpart B); the wood rosin, turpentine and pine oil subcategory (Subpart C); the tall oil rosin, pitch and fatty acids subcategory (Subpart D); the essential oils subcategory (Subpart E); and the rosin-based derivatives subcategory (Subpart F).

(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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 existing control and treatment technologies within each segment were examined. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exists or is 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 each of the technologies. The problems with each treatment and control technology also were noted. In addition, the nonwater quality environmental impact, such as the effects of the application of these technologies upon other pollution problems, including air, solid waste, noise and radiation were examined. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information outlined above was then 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 upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

(i) Categorization.

For the purpose of establishing effluent limitations guidelines and standards, the gum and wood chemicals manufacturing point source category was divided into six subcategories which facilitated the study of the gum and wood chemicals manufacturing point source category and provided a basis for the six subcategories. Factors such as type of product, raw waste loads, water requirements, type of manufacturing processing, treatability of wastewaters, and other means were used to establish effluent limitations guidelines and standards of performance for each of the specific subcategories. In general, the largest contributing factors are manufacturing operations and treatability of wastewater based on production volume and specific water requirements.

Hence, this broad base subcategorization scheme simplifies the application of effluent limitations and guidelines for a complex mix of production activity and a large number of selected chemical groupings. These categories reflect differences in the character, the volume, and the treatability of wastewater streams due to manufacturing process variables related to each grouping of chemicals.

(ii) Waste characteristics.

The known significant wastewater pollutants and pollutant properties resulting from the gum and wood chemicals manufacturing include pH, total suspended solids, BOD5, COD, TOC, metals, and pesticides. BOD5, COD, and TOC, which are primary measurements for organic pollution, are evident in wastewaters from the gum and wood chemicals manufacturing point source category.

(iii) Origin of wastewater pollutants.

Sources of wastewater pollutants from gum and wood chemicals manufacturing include aqueous wastes from reactors, filtration systems, decanting systems, distillation vacuum exhaust scrubbers, caustic scrubbers, process equipment cleanouts, production area washdowns, refining area washdowns, formulation equipment cleanup, and spill washdowns.

Pollutant parameters for the gum and wood chemical manufacturing pertain to wastewaters from process operations. Process wastewater pollutants are proportional to the level of production and it was therefore possible to establish limitations and standards on the basis of production. Other pollutant sources within gum and wood chemical manufacturing plants from nonprocess sources such as utilities, labs, terminals and others are generally not related to production unless otherwise noted.

(iv) Treatment and control technology.

Wastewater treatment and control technologies have been studied for each subcategory of this industry to determine what is the best practicable control technology currently available.

The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other wastewater treatment alternatives which provide equivalent or better levels of treatment.

Subcategory A (production of char and charcoal briquets via carbonization of hardwood and softwood) is a net water consumer and discharges no process wastewaters. Raw materials and intermediate char and charcoal briquets are handled in a dry form. Any materials outside of the production specification range can be reworked or disposed of in dry form. Therefore, no discharge of process wastewater pollutants is consistent with BPT for this subcategory.

For the other five subcategories both biological oxidation and carbon adsorption processes have been shown to be effective in reducing the pollution load in aqueous wastes generated by gum and wood chemicals manufacturing plants in this point source category. The primary design parameter in BPT, NSPS and BAT wastewater treatment models is BOD5 removal. The BPT percent removal used is 90.

End-of-pipe treatment technologies commensurate with BPT are based on the utilization of equalization and biological treatment, including activated sludge or aerated lagoon with clarification of the effluent. These end-of-pipe systems may include additional treatment operations such as neutralization, dissolved air flotation for subcategories C and D for the separation of insoluble hydrocarbons and nutrient addition.

The parallel-train design is not normally used for treatment plants in the very low flow range because of economic considerations. For subcategories B, E and F, as flow is small, provision is made for single treatment units with adequate holding capacity. However, standby items should be provided for key process functions.

Equalization facilities are provided to minimize short interval fluctuations in the organic loading to the treatment plant to absorb loads from reactor cleanouts, accidental spills, and other heavy loads, and to minimize the usage or neutralization chemicals. Equalization will provide for continuous (seven days per week) operation of the wastewater treatment facilities even though the manufacturing facilities may operate only five days a week.

Since many wastewater streams are of low pH, neutralization may be necessary. Alkaline neutralization is provided in the form of hydrated lime storage and feed facilities for subcategories C and D and in the form of caustic soda feed for subcategories B, E and F. Since some of the subcategories have high oil RWL concentrations, dissolved air flotation was recommended for subcategories C and D.

An activated sludge process was selected for the biological treatment portion of the system. However, many of the gum and wood chemical plants are located in the southeastern United States, where aerated lagoons could provide a viable treatment alternative. However, to make the subsequent cost estimates universally applicable, activated sludge was selected. The sludge handling scheme proposed has been developed to handle anticipated small quantities of sludge. The aerobic digester will provide a nonputrescible sludge which can be thickened and stored before being trucked for either land spreading or to a regional treatment facility for dewatering.

The BPT treatment model process includes land spreading of the digested biological sludge. If practiced correctly, this disposal method will not create health hazards or nuisance conditions. However, there is a widespread diversity of opinion over the effects of heavy metals on crop toxicity and in the food chain, and the possible nitrate contamination of the ground water. Carefully controlled sludge application should minimize these problems.

Best available technology economically achievable (BAT) is based upon the very best control and treatment technology employed by the existing exemplary plants in each industrial subcategory. In those industrial subcategories where this level of control and treatment technology was found inadequate for the purpose of defining BAT, control and treatment technologies transferable from other industries or technology demonstrated in pilot plant studies were employed.

Treatment commensurate with BAT requires the application of activated carbon adsorption and filtration to the biological treatment system described for BPT, or the use of second-stage biological treatment in series with the BPT. The specific choice of waste treatment systems should depend on the specific process, or group of processes, in operation at any given facility. The model for subcategories C and D includes dual-media filtration followed by carbon adsorption of the BPT biological treatment plant effluent. The BAT model for the subcategories B, E and F consist of BPT

treatment with addition of dual-media filtration and addition of powdered carbon to the aeration basin. A summary of the general design basis used to size the unit processes is presented in the Development Document.

Dual-media filtration was selected for the BAT treatment model to reduce suspended solids in the biological effluent and to protect the carbon column. The pulsed bed upflow carbon system was selected for subcategories C and D to minimize capital investment for a system with a relatively high carbon exhaustion rate compared to the carbon column inventory.

The BAT waste treatment models show the exhausted carbon being hauled to a sanitary landfill. This is because the amount of carbon exhausted per day is generally less than 500 pounds/day, which is considered below the break-even point for on-site carbon regeneration.

BAT effluent limitations and guidelines for subcategory A are no discharge of process wastewater pollutants. Subcategory A has no discharge and therefore end-of-pipe treatment was not applicable.

New source performance standards (NSPS) is based upon the utilization of both in-plant controls and end-of-pipe process treatment technologies, which include biological treatment as proposed for BPT and removal of additional total suspended solids via effluent filtration for subcategories B through F.

In order to evaluate the economic impact on a uniform treatment basis, end-of-pipe treatment models as described above were proposed which will provide the desired level of treatment.

The combination of in-plant controls and end-of-pipe treatment used to attain the effluent limitations and guidelines is left up to the individual manufacturer to choose on the basis of cost-effectiveness.

Wastewater impoundments may be subject to runoff from their drainage area. Some rainfall events may cause these impoundments to overflow. New sources can be properly located and designed to avoid this problem. Furthermore, existing impoundments can be modified by construction of diversion ditches or by increasing the amount of surge capacity of the impoundment with either a higher dam or a lower operating water level. Through use of these techniques, a rainfall up to the 25 year-24 hour event can be prevented from causing the discharge of process wastewater pollutants.

The application and performance of various control and treatment technologies to reduce the quantities of pollutants discharged to navigable waters as a result of the production or processing operations in the gum and wood chemicals manufacturing are specific to the product manufactured or processed. However, many in-process control measures, as well as end-of-pipe treatment systems, may be generally applied to several product subcategories.

Good in-process control is a significant pollution abatement technique for all products produced in the gum and wood chemicals manufacturing. Practices such as minimization and containment of spills and leaks, segregation of waste streams, monitoring process wastewater, water conservation and reuse, wastewater equalization and good housekeeping, process operation and equipment maintenance are necessary to eliminate or reduce the volume of process wastewater requiring treatment. Those subcategories in which the facilities have process wastewater, i.e., those plants in subcategories other than A, which often contain suspended solids. These can be removed by sedimentation, clarification and filtration.

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, proper sanitary landfill technology must 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 as known today requires disposal of the pollutants removed from wastewaters in this industry 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 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 for each product process within a subcategory on the basis of the cost per 1,000 pounds of production. Due to the complexity and degree of integration in this industry, it was necessary to make some simplifying assumptions in order to determine costs on a product by product basis. These assumptions are:

(1) that each product process is a discrete plant whose process wastewater is treated in a single end-of-process waste treatment system.

(2) that all wastewaters are treated by the model end-of-process treatment system regardless of alternate disposal techniques and in-process changes which may be made.

New plants being built can avoid major future waste abatement costs by inclusion of: (1) dikes, emergency holding ponds, catch basins and other containment facilities, for leaks, spills and washdowns, (2) piping, trenches, sewers, sumps, and other isolation facilities to keep leaks, spills and process water separate from cooling and sanitary water, (3) noncontact condensers for cooling water, (4) efficient reuse, recycling and recovery of all possible raw materials and by-products and (5) closed cycle water utilization whenever possible. Closed cycle operation eliminates all waterborne wastes to surface water.

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 manufacturer 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 industry, from engineering firms, equipment suppliers, government sources, and available literature whenever possible. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, costs estimates have been developed from either plant-supplied costs for similar waste treatment installation at plants making other similar chemicals or general cost estimates for treatment technology.

(vi) Potential benefits to be achieved.

The point sources in this category discharge a variety of pollutants which can seriously degrade water quality. In some instances the wastes contain materials which may have human health implications. It is estimated that the volume of wastewaters which result from operations within this category amount to 19 billion gallons each year. Besides discharging materials which reduce the oxygen in receiving waters as a result of biological or chemical reactions, substances such as phenols, phosphorus, zinc and oil and grease are released. Phenols have been identified as having serious human health implications at low levels. Oil and grease can cause taste and odor problems, and are extremely toxic to freshwater fish. Phosphorus is perhaps the greatest cause of premature aging of water bodies known as eutrophication. In small quantities it can stimulate plant growth to the nuisance level. Zinc in as low a level as 0.1 mg/1 has been reported to be lethal to fish.

While the technology used to determine achievable pollution reduction for this category does not directly address the above named toxic pollutants and others present in the waste stream, it is well known that use of this technology will bring about general reduction of the level of these toxicants in the waste streams. The benefits to be achieved by compliance with these regulations are especially noteworthy in view of the rel-

ative ease with which the pollution reduction can be achieved.

(vii) 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 become more attractive. Recent regulations are tending to limit the use of ocean discharge and deep-well injection because of the potential long-term detrimental effects associated with these disposal procedures. 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. Most chemical plants generate fairly high noise levels (85–95 decibels) within the battery limits because of equipment such as pumps, compressors, steam jets, flare stacks, etc. Equipment associated with in-process or end-of-pipe control systems would not add significantly to these levels.

Energy requirements associated with treatment and control technologies in the wastewater treatment model are less than 8 percent when compared to the total energy requirements for most plants for this industry.

(viii) Economic and inflationary impact analysis.

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 that are likely to result in (1) annualized costs of more than $100 million, (2) additional costs of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil per day will require a certified inflationary impact statement. The analysis indicates that the total investment required to meet the regulations is $5.7 million with an annual cost of $2.1 million. The costs as a percent of selling price are no more than 2.4% of the selling price. The limits presented in the Administrator's criteria are not expected to be exceeded due to these regulations. The analysis that has been performed satisfies all the requirements for an inflationary impact statement and is certified as such.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations guidelines. Internal costs given in 1975 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital and depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

Subcategory A (charcoal briquets and char), as noted above, have no process wastewater dischargers. In Subcategory B (gum rosin and turpentine) there are no direct dischargers. In Subcategory C (wood rosin, turpentine and pine oil) three of the five plants have no direct discharges.

The two direct discharging plants have pollution treatment in place that should be capable of attaining the limitations required for 1977. These two plants will only be affected by the 1983 standards. The total investment required for both plants is $806,000 and the annual cost is $294,000. The unit cost of treatment is approximately 2.4% of the selling price. Due to the relatively low costs involved, little effect on production or employment in this subcategory is expected.

Ten of the fourteen plants manufacturing tall oil rosin (Subcategory D) are direct dischargers. The pollution treatment that is currently in place is equivalent to technology that will meet the 1977 standards. Thus, there will be no effect on the industry by the 1977 standards. An investment of $4.1 million and an annual cost of $1.6 million will be required by the tall oil rosin producers to meet the 1983 standards. This causes a unit cost of treatment that is approximately 0.9% of selling price. Due to the relatively small costs involved, no effect on production or employment in this subcategory is expected from these regulations.

The three plants in the essential oils subcategory (Subcategory E) have no direct discharges. Eight of the sixteen plants that produce rosin derivatives (Subcategory F) are not direct dischargers. Of the remaining eight only one plant will be affected in 1977, and all eight will be affected in 1983. The one plant will incur investment costs of $200,000 and annualized costs of $56,000 for meeting 1977 standards, causing a unit treatment cost that is 0.52 to 0.86% of selling price. The eight plants will incur investment costs of $570,000 and annualized cost of $220,000 for meeting the 1983 standards, causing a unit treatment cost that is 0.25 to 0.42% of selling cost Since only one plant is affected in 1977 and the relative costs are quite low, the economic impact to this subcategory is expected to be minimal.

The charcoal manufacturers, gum rosin and turpentine manufacturers, and the essential oil producers will not be economically impacted by these regulations. Charcoal producers use a process that has no wastewater stream; gum, rosin and turpentine and essential oil manufacturers have achieved zero discharge or discharge to a municipal system. Hence, no costs are incurred by these subcategories due to the regulations.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Gum and Wood Chemicals Manufacturing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. S.W., 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 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 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 proposed for the gum and wood chemicals industry manufacturing 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: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); all State and U.S. Territory Pollution Control Agencies; Academy of Pharmaceutical Sciences; Reichhold Chemical, Inc.; Chemware-Champion; National Institutes of Health; H. B. Fuller Company; Union Camp Corporation; Naval Facilities Engineering Command; Olin Corporation; Mobay Chemical Corporation; Monsanto Company; Shell Chemical Company; Stauffer Chemical Corporation; Union Carbide Corporation; Bell and Howell, Inc., Micro Photo Division; MTS Chemicals; Hercules, Inc.; Rohm and Haas Company; Defense Mapping Agency; Pfizer, Inc.; CIBA-GEIGY Corporation; U.S. Army Audio Visual Activity; U.S. Department of Health, Education, and Welfare; E. I. du Pont de Nemours and Company; Allied Chemical Corporation; Pepsi Company; Western Agricultural Chemicals Association; Tennessee Eastman Company; Cabot Corporation; CPAC Company; Diamond Shamrock, Inc.; American Cyanamid Corporation; EPAC; Lederle Laborato-

ries; National Ecological Research Center; Office of Pesticides; Dow Chemical Company; National Association of Pharmaceutical Manufacturers; Abbott Laboratories; Eastman Kodak Company; Office of Environmental Affairs; BASF Wyandotte Corporation; Ohio River Valley Sanitation Commission; The Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; Kimberly Clark Corporation; National Pest Control Association; U.S. Army Corps of Engineers; Carbon Adsorption Systems; AFWL Environics; WSME; Institute of Makers of Explosives; Pulp Chemical Association; American Carbon Committee; American Hospital Association; Bureau of Explosives, Association of American Railroads; United Pesticides Formulation and Distribution Association; Technical Association of Pulp and Paper Industry; Professional Photographers of America, Inc.; Adhesive and Sealants Council; Smith, Bucklin and Associates, Inc.; Photo Marketing Association; Carbon Black Producers Traffic Committee; Arundale, Inc.; Enviroengineering, Inc.; U.S. Army Environmental Hygiene Agency; American Defense Preparedness Association; The Fertilizer Institute; National Agricultural Chemicals Association; Walden Research; American Pharmaceutical Association; Pharmaceutical Manufacturers Association; Manufacturing Chemists Association; National Microfilm Association; New England Interstate Water Pollution Control Commission; American Society of Mechanical Engineers; American Medical Association, Public Health Division; U.S. Water Resources Council; U.S. Department of Defense; U.S. Department of Interior; Atlas Powder Company; U.S. Department of the Army; National Association of Photographic Manufacturers; M&T Chemicals, Inc.; FRP Company; Swift Chemical Company; Roberts Consolidated Industries; Eli Lilly and Company; Merck and Company, Inc.; and Parke, Davis and Company.

It should be noted that some of the recipients of the contractor draft documents appear to be and are from areas of interest outside the manufacturing activities covered in this regulation. This situation results because eight industries are being handled as one administratively within the project called miscellaneous chemicals.

The following organizations responded with comments for the gum and wood chemicals manufacturing point source category: EPA, Office of Enforcement; EPA, Office of Planning and Evaluation; Effluent Standards and Water Quality Information Advisory Committee; Hercules Incorporated; North Carolina Department of Natural and Economic Resources; Reichhold Chemicals, Incorporated; Union Camp Corporation; and United States Department of Interior.

The primary issues raised by commenters during the development of the interim final effluent limitations and guidelines and the response to these comments are as follows:

(1) One commenter stated that the effluent limitations as proposed would not be adequate to protect the water quality of low flowing streams.

The effluent limitations guidelines and new source performance standards presented herein essentially are based on the practicability and availability of control and treatment technologies. More stringent standards may be applied to a point source, pursuant to section 303 of the Act, when necessary to preserve water quality.

(2) Variability factors for treatment plant performance transferred from petroleum manufacturing is questionable is the position taken by another commenter.

The gum and wood chemicals manufacturing point source category operates in a manner very similar to the petroleum refining point source category. Both petroleum and gum and wood chemicals wastes are essentially similar in nature and are amenable to biological treatment. The available historical data and the similarity of the two industries indicate that the petroleum manufacturing variability factors are applicable to these production processes. Of course, it is preferable to have long term operating data for each specific plant. However, in this subcategory, such information does not exist, and cannot be assembled, despite repeated requests to industry from the Agency for this data.

(3) Several commenters were concerned that the potential effects on ground water as a result of landfilling wastes were not adequately addressed.

No ground water contamination from the gum and wood chemicals point source category as a result of landfilling has been found. The engineering technology required to design and operate landfill operations to prevent this problem is readily available and widely practiced.

(4) Several commenters felt that the raw waste loads as presented were not correct or were questionable.

The commenters who made this criticism were unable or unwilling to provide the Agency with supporting data. The data used to develop these numbers, derived from survey sampling and historical data, are the most reliable data available at this time.

(5) One commenter felt that an insufficient representation of the gum and wood manufacturers had been surveyed. Seven plants were observed. Of these seven, the commenter states that two discharge to publicly owned treatment plants and one discharges to landfill.

Over 40% of the direct discharging plants were examined by EPA and its contractor. These plants were chosen because they have treatment systems, have segregated wastes from readily identified product lines, have pilot treatment plants in operation and are representative in size and/or are representative in product grouping.

(6) One commenter felt that not all wastes from the gum and wood chemicals point source category were biodegradable and that the cost model treatment system was not completely applicable.

The cost model is an example of the type of treatment that can treat the wastewater generated in the manufacture of gum and wood chemicals products. It is currently in use in this category. EPA has funded studies on physical/chemical treatment of waste generated from the manufacture of gum and wood chemicals. Results from these studies should identify additional technology that can be used to meet or surpass the effluent limitations. The biological treatment system model used for cost estimating purposes is accepted and used by the manufacturers of gum and wood chemicals products. Of course, this model is not required technology; the individual plant personnel are responsible for selecting the most effective treatment system applicable in their own case.

(7) One commenter felt the recommendations of the addition of a combined filtration and carbon treatment to meet the 1983 limitations appears to have been chosen without benefit of actual performance tests.

The combined filtration and carbon treatment system is, as explained in the development document, for cost model purposes. Whatever treatment systems a company chooses is its decision. The selection of carbon adsorption as the cost model example is based on carbon sorption isotherm results and studies ongoing in the gum and wood chemicals manufacturing point source category. A full scale unit is currently operating at this time in this industry and is a part of the EPA funded ongoing studies.

(8) One commenter felt that BAT standards should be delayed until the results of the BPT regulations were known. If the water quality was acceptable, then no further standards would be necessary.

The U.S. Environmental Protection Agency is required by the Federal Water Pollution Control Act, 33 USC 1251 et seq., to establish effluent limitations, guidelines and standards of performance for point source categories for best practicable control technology currently available, new source and best available technology economically achievable at this time.

(9) One commenter felt that it is unrealistic to set a blanket average limit for BOD5 reduction of 95 percent for all activated sludge systems. A more reasonable value of 90 percent reduction was suggested.

The Agency and its contractor calculated the BOD removal efficiency of 90% by reference to the historical data for plant number 54 which showed removal efficiencies of 90%. This figure is further supported by both pilot plant data and historical physical/chemical re-

moval efficiencies. The pilot plants were achieving 96 to 98.8% removal and physical/chemical was obtaining 95.4% removal. The Agency has concluded that plant number 54 is an exemplary plant, which may be used as a basis for regulation.

(10) In the contractor's draft development document it was suggested that some of the waste disposal problems be turned over to a private disposal contractor. Commenters stated that this is an ineffective way of solving problems unless the contractor is covered by the same guidelines. They said that such contractors should be covered under the category of "miscellaneous chemicals industry".

The suggestion that contract disposal systems are available was not meant to imply that the generator of the wastes is relieved of the responsibility for proper disposal.

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 comment period, and to make revisions within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on 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. SW., 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 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 17, 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 F.R. 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 454 is hereby established as set forth below.

Dated: April 30, 1976.

RUSSELL R. TRAIN,
*Administrator.*

Subpart A—Char and Charcoal Briquets Subcategory

Sec.
454.10 Applicability; description of the manufacture of char and charcoal briquets subcategory.
454.11 Specialized definitions.
454.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart B—Gum Rosin and Turpentine Subcategory

454.20 Applicability; description of the manufacture of gum rosin and turpentine subcategory.
454.21 Specialized definitions.
454.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory

454.30 Applicability; description of the manufacture of wood rosin, turpentine and pine oil subcategory.
454.31 Specialized definitions.
454.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

454.40 Applicability; description of the manufacture of tall oil rosin, pitch and fatty acids subcategory.
454.41 Specialized definitions.
454.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Essential Oils Subcategory

Sec.
454.50 Applicability; description of the manufacture of essential oils subcategory.
454.51 Specialized definitions.
454.52 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Rosin-Based Derivatives Subcategory

Sec.
454.60 Applicability; description of the manufacture of rosin-based derivatives subcategory.
454.61 Specialized definitions.
454.62 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), 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.; Pub. L. 92–500) (the Act).

## Subpart A—Char and Charcoal Briquets Subcategory

### § 454.10 Applicability; description of the manufacture of char and charcoal briquets subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of char and charcoal briquets.

### § 454.11 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 char and charcoal briquets.

### § 454.12 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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 manufacture of char and charcoal briquets by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

### Subpart B—Gum Rosin and Turpentine Subcategory

**§ 454.20 Applicability; description of the manufacture of gum rosin and turpentine subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of gum rosin and turpentine.

**§ 454.21 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean gum rosin and turpentine.

**§ 454.22 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. An individual discharger or other intereste 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 manufacture of gum rosin and turpentine by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| $BOD_5$ | 1.42 | 0.755 |
| TSS | 0.077 | 0.026 |
| pH | Within the range 6.0 to 9.0. | |

### Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory

**§ 454.30 Applicability; description of the manufacture of wood rosin, turpentine and pine oil subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood rosin, turpentine and pine oil subcategory.

**§ 454.31 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean products from wood rosin, turpentine and pine oil.

**§ 454.32 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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 manufacture of wood rosin, turpentine and pine oil by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| $BOD_5$ | 2.08 | 1.10 |
| TSS | 1.38 | 0.475 |
| pH | Within the range 6.0 to 9.0. | |

### Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

**§ 454.40 Applicability; description of manufacture of tall oil rosin, pitch and fatty acids subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of tall oil rosin, pitch and fatty acids.

§ 454.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean tall oil rosin, pitch and fatty acids.

§ 454.42 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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 faciilties 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 manufacture of tall oil rosin, pitch and fatty acids by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations | |
|---|---|---|
| | Maximum for any 1 day | Average of daily values for 30 consecutive days shall not exceed— |
| $BOD_5$ | 0.995 | 0.529 |
| TSS | 0.705 | 0.243 |
| pH | Within the range 6.0 to 9.0. | |

## Subpart E—Essential Oils Subcategory

§ 454.50 Applicability; description of the essential oils subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of essential oils.

§ 454.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean essential oils.

§ 454.52 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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 manufacture of essential oils by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations | |
|---|---|---|
| | Maximum for any 1 day | Average of daily values for 30 consecutive days shall not exceed— |
| $BOD_5$ | 22.7 | 12.0 |
| TSS | 9.01 | 3.11 |
| pH | Within the range 6.0 to 9.0. | |

## Subpart F—Rosin-Based Derivatives Subcategory

§ 454.60 Applicability; description of manufacture of rosin-based derivatives subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of rosin-based derivatives.

§ 454.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean rosin-based derivatives.

§ 454.62 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, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization 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 plants in this industry. 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 manufacture of rosin-based derivatives by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations | |
|---|---|---|
| | Maximum for any 1 day | Average of daily values for 30 consecutive days shall not exceed— |
| BOD 5 | 1.41 | 0.748 |
| TSS | 0.045 | 0.015 |
| pH | Within the range 6.0 to 9.0. | |

[FR Doc.76-13813 Filed 5-17-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 454 ]

[FRL 540-8]

### GUM AND WOOD CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

**Proposed Rule Making**

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). The gum and wood chemicals manufacturing point source category covers products manufactured under SIC code 2861. Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 454 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 gum and wood chemicals manufacturing point source category. The regulation proposed below will amend 40 CFR 454—gum and wood chemicals manufacturing point source category by adding sections 454.13, 454.14, 454.15, and 454.16 to the char and charcoal briquet subcategory (Subpart A); sections 454.23, 454.24, 454.25 and 454.26 to the gum rosin and turpentine subcategory (Subpart B); sections 454.33, 454.34, 454.35 and 454.36 to the wood rosin, turpentine and pine oil subcategory (Subpart C); sections 454.43, 454.44, 454.45 and 454.46 to the tall oil rosin, pitch and fatty acids subcategory (Subpart D); sections 454.53, 454.54, 454.55 and 454.56 to the essential oils subcategory (Subpart E); and sections 454.63, 454.64, 454.65 and 454.66 to the rosin-based derivatives subcategory (Subpart F); 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch, and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 the proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the gum and wood chemicals manufacturing 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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. Sections 454.16, 454.26, 454.36, 454.46, 454.56 and 454.66 proposed below, provide pretreatment standards for new sources within the char and charcoal briquets subcategory (Subpart A), the gum rosin, turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 discharged. 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) 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. This 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 Novem-

ber 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 numercial 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.

Sections 454.14, 454.24, 454.34, 454.44, 454.54 and 454.64 of the regulation reserved below are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during 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 general, EPA believes the analysis supporting the effluent limitations and guidelines is 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 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 Gum and Wood Chemicals Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., 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 char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pint oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) being simultaneously 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, SW., 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 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 17, 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).

Dated: April 30, 1976.

RUSSELL E. TRAIN,
*Administrator.*

As proposed Part 454 reads as follows:

**Subpart A—Char and Charcoal Briquets Subcategory**

Sec.
454.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.14 [Reserved]
454.15 Standards of performance for new sources.
454.16 Pretreatment standards for new sources.

**Subpart B—Gum Rosin and Turpentine Subcategory**

454.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.24 [Reserved]
454.25 Standards of performance for new sources.
454.26 Pretreatment standards for new sources.

**Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory**

454.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.34 [Reserved]
454.35 Standards of performance for new sources.
454.36 Pretreatment standards for new sources.

**Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory**

454.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.44 [Reserved]
454.45 Standards of performance for new sources.
454.46 Pretreatment standards for new sources.

**Subpart E—Essential Oils Subcategory**

454.53 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.54 [Reserved]
454.55 Standards of performance for new sources.
454.56 Pretreatment standards for new sources.

**Subpart F—Rosin-Based Derivatives Subcategory**

454.63 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
454.64 [Reserved]
454.65 Standards of performance for new sources.
454.66 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—Char and Charcoal Briquets Subcategory

**§ 454.13 Effluent limitations and 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 char and charcoal briquets manufacturing subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process wastewater pollutants.

**§ 454.14 [Reserved]**

**§ 454.15 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 char and charcoal briquets manufacturing subcategory by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants.

**§ 454.16 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the char and charcoal briquet manufacturing subcategory which is a user of a publicly owned treatment works 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. |

### Subpart B—Gum Rosin and Turpentine Subcategory

**§ 454.23 Effluent limitations and 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 gum rosin and turpentine subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg or product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 1.36 | 1.09 |
| BOD5 | 0.28 | 0.22 |
| TSS | 0.01 | 0.005 |
| pH | Within the range 6.0 to 9.0. | |

**§ 454.24 [Reserved]**

**§ 454.25 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 gum rosin and turpentine subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 3.94 | 3.15 |
| BOD5 | 0.86 | 0.70 |
| TSS | 0.026 | 0.013 |
| pH | Within the range 6.0 to 9.0. | |

**§ 454.26 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the gum rosin and turpentine subcategory which is a user of a publicly owned treatment works 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. |

### Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory

**§ 454.33 Effluent limitations and 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 wood rosin, turpentine and pine oil subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 2.04 | 1.63 |
| BOD5 | 0.41 | 0.33 |
| TSS | 0.19 | 0.095 |
| pH | Within the range 6.0 to 9.0. | |

**§ 454.34 [Reserved]**

**§ 454.35 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 wood rosin, turpentine and pine oil subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for and 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 5.92 | 4.74 |
| BOD5 | 1.25 | 1.02 |
| TSS | 0.48 | 0.24 |
| pH | Within the range 6.0 to 9.0. | |

**§ 454.36 Pretreatment standard for new sources.**

The pretreatment standards under section 307(c) of the Act for a new source within the wood rosin, turpentine and pine oil subcategory which is a user of a publicly owned treatment works 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 pur-

pose 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. |

## Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

### § 454.43 Effluent limitations and 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 tall oil rosin, pitch and fatty acids subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 1.14 | 0.91 |
| BOD5 | 0.20 | 0.16 |
| TSS | 0.098 | 0.049 |
| pH | Within the range 6.0 to 9.0. | |

### § 454.44 [Reserved]

### § 454.45 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 tall oil rosin, pitch and fatty acids subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for and 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 3.32 | 2.66 |
| BOD5 | 0.60 | 0.49 |
| TSS | 0.24 | 0.12 |
| pH | Within the range 6.0 to 9.0. | |

### § 454.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the tall oil rosin, pitch and fatty acids subcategory which is a user of a publicly owned treatment works 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. |

## Subpart E—Essential Oils Subcategory

### § 454.53 Effluent limitations and 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 essential oils subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 14.1 | 11.3 |
| BOD5 | 4.45 | 3.61 |
| TSS | 1.25 | 0.62 |
| pH | Within the range 6.0 to 9.0. | |

### § 454.54 [Reserved]

### § 454.55 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 essential oils subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 40.8 | 32.6 |
| BOD5 | 13.7 | 11.1 |
| TSS | 3.10 | 1.55 |
| pH | Within the range 6.0 to 9.0. | |

### § 454.56 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the essential oils subcategory which is a user of a publicly owned treatment works 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. |

## Subpart F—Rosin-Based Derivatives Subcategory

### § 454.63 Effluent limitations and 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 rosin-based derivatives subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| COD | 1.40 | 1.12 |
| BOD5 | 0.28 | 0.22 |
| TSS | 0.006 | 0.003 |
| pH | Within the range 6.0 to 9.0. | |

§ 454.64 [Reserved]

§ 454.65 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 rosin-based derivatives subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

| Effluent characteristic | Effluent limitations | |
|---|---|---|
| | Maximum for any 1 day | Average of daily values for 30 consecutive days shall not exceed— |
| COD | 4.04 | 3.23 |
| BOD5 | 0.85 | 0.69 |
| TSS | 0.016 | 0.008 |
| pH | Within the range 6.0 to 9.0. | |

§ 454.66 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the rosin-based derivatives subcategory which is a user of a publicly owned treatment works 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. |

[FR Doc.76-13814 Filed 5-17-76;8:45 am]

federal register

TUESDAY, MAY 18, 1976

PART IV:

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Secretary

## Office of the Assistant Secretary for Community Planning and Development

■

# COMMUNITY DEVELOPMENT BLOCK GRANTS

### Urban Renewal Provisions

## Title 24—Housing and Urban Development

### SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R–76–297]

### PART 58—ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

### Financial Settlement of Urban Renewal Projects—Environmental Review

On February 11, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 6204) a proposed § 58.20 of Title 24 of the Code of Federal Regulations. 24 CFR Part 58 sets forth environmental review requirements and procedures to be observed by applicants for assistance under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93–383, 42 U.S.C. 5301 et seq.) and implements section 104(h) of said Title I. The proposed 24 CFR § 58.20 set forth environmental review requirements and procedures for financial settlements of Urban Renewal Projects under authority of section 112(b) of said Title I and the preamble to the proposed § 58.20 as published, invited interested persons to submit comments on the proposed section on or before March 12, 1976.

A number of comments on the proposed § 58.20 were submitted to the Department in response to the invitation. The comments were to the effect (1) that the proposed section was confusing as a whole and that subsection (d) thereof was particularly confusing; (2) that the requirement for environmental review of an applicant's proposed uses of capital grant funds surplussed by financial settlement of an urban renewal project prior to submission of its application for the Department's approval of such financial settlement was unnecessary; (3) that the proposed section required unnecessary or duplicative environmental review of urban renewal activities which had been federally approved prior to the effective date of the National Environmental Policy Act of 1969 or which had been federally approved after adequate environmental review; and (4) that since deduction of community development block grant funds by HUD for the purpose of urban renewal loan repayment pursuant to section 112(a)(1) of Title I, was not subject to environmental review, the requirement for environmental review of an applicant's proposal to use such funds for loan repayment pursuant to section 105(a)(10) of Title I, should be eliminated. In addition, review of the proposed § 58.20 by Department staff resulted in comments that (5) certain minor technical errors should be corrected; and (6) that a complete definition of the term "substantial completion" in relation to urban renewal projects, should be added which accords with existing Department policy.

Evaluation of all comments received resulted in the following determinations:

(1) That proposals for the use of community development block grant funds for urban renewal loan repayment, whether at the initiative of HUD or of the applicant, should not be subject to environmental review, except in cases where the proposal would implement a modification of the particular urban renewal project;

(2) That 24 CFR 58.3 and 58.20 should be revised to implement determination (1);

(3) That minor changes and corrections should be made in § 58.20 in order to provide greater clarity;

(4) That the requirement for early environmental review of proposed uses of capital grant funds to be surplussed by an urban renewal project financial settlement is necessary in order to preserve the legal basis for the applicant's environmental review of the proposed financial settlement, and cannot be changed;

(5) That a complete and correct definition of the term "substantial completion" in relation to urban renewal projects should be added to § 58.3; and

(6) That § 58.20(d) should be rewritten to clearly state that an environmental assessment is not required for the financial settlement of an urban renewal project which is substantially completed.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made for the changes to § 58.3 and for the modified § 58.20 in accordance with Department procedures (HUD Handbook 1390.1, 38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451–7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the changes to § 58.3 and of the modified § 58.20 have been evaluated in accordance with OMB Circular No. A–107.

Accordingly, Title 24, Part 58 is amended as follows:

1. The definition of the term "project" in § 58.3 is revised and two new definitions are added to read as follows:

**§ 58.3 Terminology.**

* * * * *

*Project.* An activity, or a group of activities, as determined by the applicant in its sole discretion, to be assisted under Title I. A project is an "action" within the meaning of the CEQ guidelines, 40 CFR 1500.5. However, the following activities or groups of activities assisted under Title I are not regarded as projects for purposes of this Part: (1) The payment of reasonable administrative costs related to the planning and execution of community development and housing activities, as permitted by Section 105(a)(13) of Title I and 24 CFR 570.200(a)(13); or (2) the payment, under authority of Section 105(a)(10) of Title I, of principal and interest on outstanding urban renewal project loans as defined in 24 CFR 570.800(b) where such payment does not fall within the coverage of § 58.20 of this part and/or where such payment is not associated with a change in the related urban renewal project.

*Urban Renewal Project.* A project as defined in § 110(c) of the Housing Act of 1949, as amended, or a Neighborhood Development Program as defined in § 131(b) of the Housing Act of 1949, as amended.

*Substantial Completion.* As applied to an Urban Renewal Project, this term means that:

(i) Ninety percent (90%) or more of site improvement work has been completed and the remainder is under contract;

(ii) Ninety percent (90%) or more of demolition work has been completed and the remainder is under contract;

(iii) Relocation of all occupants of at least ninety-eight (98%) of the housing units in the relocation workload, or of all but five (5) such housing units, whichever is the lesser, has been completed;

(iv) Relocation for at least ninety-five percent (95%) of all cases in the nonresidential relocation workload, or for all but ten (10) such cases, whichever is the lesser, has been completed;

(v) At least ninety percent (90%), by estimated cost, of all relocation payments have been made;

(vi) With respect to each park, playground, public building or other public facility to be provided as a noncash local grant-in-aid:

A. All land necessary for the provision thereof has been conveyed to or is in the ownership of the providing entity or is covered by an unconditional purchase, or similar, agreement,

B. All necessary planning agency or other public body approvals have been obtained,

C. All, or virtually all, of the funds necessary for the provision thereof have been authorized by the governing body of the providing entity and all and any necessary bond referendums or other public approvals have been obtained,

D. Complete working drawings and specifications have been prepared for the construction thereof and firm supportable estimates of the costs incident to provision thereof have been developed, and

E. A firm assurance exists of timely completion and, in any event, of completion within five (5) years from the date of the assurance;

(vii) With respect to dwelling units not to be demolished, at least ninety-five percent (95%) comply with applicable codes and at least seventy-five percent (75%) comply with applicable property rehabilitation standards established for the Urban Renewal Project: *Provided* that in any event, project activities may be deemed complete in regard to dwelling units not to be demolished where the following conditions exist

A. Area decline has been arrested and stability and self-generating renewal assured,

B. Public facilities and services have been, and will continue to be, provided to support continued stability,

C. Local financial institutions are making property loans in the area, and

D. The community will continue an adequate level of code enforcement activities in the area;

(viii) All project land acquisition has been completed; and

(ix) An amount equal to the HUD approved land disposition value of all acquired project land has been credited to the urban renewal project account(s): *Provided,* that for all project land actually sold, the full sale price thereof shall be so credited and for all leased or unsold project land, the full amount of the HUD approved estimate of the disposition value thereof shall be so credited from community development block grants or local funding sources.

3. A new § 58.20 is added to read as follows:

**§ 58.20 Financial settlement of urban renewal projects.**

(a) *Project undertaken to facilitate early financial settlement.* If an applicant proposes to submit an application for financial settlement of an urban renewal project prior to substantial completion thereof pursuant to 24 CFR 570.804, which will be coupled with a proposal to use Title I grants pursuant to 24 CFR 570.801 for the purpose of facilitating such financial settlement, the latter proposal shall be deemed a project which is subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include an assessment of the environmental consequences of the financial settlement of the Urban Renewal Project prior to substantial completion thereof;

(3) The applicant shall insert the following sentence immediately after the first sentence set forth after the word "indicated" in § 58.30(a)(6):

Applicant will use the project to establish a financial basis, and will apply to the Secretary of HUD, for financial settlement prior to substantial completion of the (*identify urban renewal project or NDP*) pursuant to 24 CFR 570.803 and 570.804.

(b) *Financial settlement prior to substantial completion of Urban Renewal Project involving surplus of capital grant funds.* A financial settlement pursuant to 24 CFR 570.803 and 570.804 of an Urban Renewal Project prior to substantial completion thereof which would result in a surplus of capital grant funds, $500 or more of which will be devoted to eligible Title I activities other than exempt activities under § 58.21, together with the proposed use(s) of the surplus shall be deemed a project and shall be subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include an assessment of the environmental consequences of the financial settlement of the Urban Renewal Project prior to substantial completion thereof, and of the proposed use(s) of the surplus except any use(s) set forth in § 58.21;

(3) The application for financial settlement pursuant to 24 CFR 570.803 and 570.804 and use of the surplus resulting therefrom shall be treated as a request for release of funds and shall be subject to the requirements of Subpart C of this part. However, the applicant shall use the following sentence in lieu of the first sentence set forth after the word "indicated" in § 58.30(a)(6):

(*Name of Applicant*) will apply for financial settlement prior to substantial completion of (*identify urban renewal project or NDP*) and will undertake certain activities, all as described above, with surplus capital grant funds resulting from financial settlement.

(4) The surplus of capital grant funds resulting from such financial settlement may be used for a project which consists entirely of exempt activities under § 58.21 and/or activities which are subjected to environmental assessment pursuant to § 58.20(b) without further compliance with this part.

(c) *HUD environmental review of certain financial settlements.* Prior to acting upon any application submitted pursuant to 24 CFR 570.803 and 570.804 for financial settlement of an Urban Renewal Project which is not substantially completed and for which the environmental consequences of financial settlement prior to substantial completion thereof have not been assessed by the applicant pursuant to § 58.20(a) or (b), HUD shall itself conduct an assessment of the environmental consequences of the proposed financial settlement. However, if HUD finds that the applicant should have conducted an environmental assessment pursuant to § 58.20(a) or (b) but failed to do so, the application for financial settlement shall be rejected and the applicant shall be required to comply with the environmental assessment requirements of § 58.20 (a) or (b) as appropriate, on a catch-up basis, as a condition precedent to resubmission of its application.

(d) *Financial settlement after substantial completion of Urban Renewal Project.* Notwithstanding any other provision of this Part an assessment of the environmental consequences of financial settlement pursuant to 24 CFR 570.803 and/or 570.804, of an Urban Renewal Project which is substantially completed, is not required. However, the applicant or HUD, as appropriate, shall prepare and maintain in its records a written finding as to the substantial completion of the Urban Renewal Project.

*Effective date.* These regulations are effective on May 18, 1976.

CARLA A. HILLS,
*Secretary of Housing and Urban Development.*

[FR Doc.76-14273 Filed 5-18-76;8:45 am]

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## CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

## PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

### Urban Renewal Provisions

On February 11, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 6202) a notice of proposed rulemaking concerning the urban renewal provisions of the Housing and Community Development Act of 1974. Interested persons were given until March 12, 1976, to submit written comments. All comments received were given careful consideration and many of the changes incorporated in the final regulations reflect the suggestions received from the public.

The following enumerates the changes which are being made and states the reasons for those changes which are substantive.

1. Section 570.800 is revised to include definitions of the terms "unearned grant" and "surplus grant." This clarifies that the costs of any unliquidated claims, which would include relocation costs, must be taken into account in determining the amount of grant funds which are available for loan repayment and the amount which would become surplus.

2. Section 570.801(b)(1) is revised to specify further limitations on the use of block grant funds to pay the costs of noncash local grants-in-aid not otherwise eligible under the block grant program, namely: (a) The noncash local grants-in-aid must be necessary to effectuate project completion and financial settlement, and (b) the use of block grant funds must not exceed the percent of benefit approved in the financing plan, and the statutory limitations on communitywide supporting facilities in the Housing Act of 1949. The purpose of these changes is to conform to the authorization and intent of Section 105(a)(10) of the Act. That section makes eligible the cost of completing a project, and this is construed to mean only the cost of items actually required for completion and financial settlement, and only to the extent of the percentage of benefit previously recognized. This section also makes clear that after financial settlement the eligibility provisions of the block grant program apply to the use of any surplus funds for such facilities.

In addition, this section now incorporates rules pertaining to acquisition of urban renewal project land by the local government with block grant funds and subsequent disposition of such land.

3. Most of the public comments received referred to section 570.802 and this section is most substantially revised.

Section 570.802(a) states that the Secretary will review urban renewal projects in consultation with LPA's and units of general local government to determine whether the Federal financial interest in such projects is protected. Thus, review of the financial status of projects, and consultation on means to repay loans can be carried out at any time and is not limited to the annual 75-day review period for block grant applications. Comments were received objecting to the deduction of block grant funds for loan repayment subsequent to approval of an application. These comments have been noted, and it is the Department's intention to make such deductions during the annual application review and approval period in almost all cases. Nevertheless, it is deemed prudent and reasonable to

reserve the statutory authority to make deductions at other times where necessary and appropriate to protect the Federal financial interest. This authority will be exercised sparingly and only after meaningful consultations as required by the statute.

Section 570.802(a)(1) now refers to temporary loans "made or authorized to be made." This clarifies that the statutory authority to make deductions also applies to providing for repayment of additional borrowing to be made in cases where there is unutilized loan availability remaining under the Loan and Grant contract. This section now also makes clear that all sources of funds will be considered in determining whether the Federal financial interest is adequately protected.

Many comments were made about the Fiscal Year 1978 base period for estimating land proceeds and computing deficits in resources available for loan repayment. Section 570.802(a)(2) has been reformulated in response to those comments. This section now enumerates the factors to be considered by the Secretary in estimating the value and marketability of remaining land. Further, criteria have been incorporated for use of the 1978 base year which makes it applicable to those types of cases where the Federal financial interest is most likely to be adversely affected. This base period may be waived by the Secretary even in such cases, and is optional in others. These criteria are intended to insure that deductions are not made in an arbitrary or inappropriate fashion.

The Fiscal Year 1978 cutoff for estimating land proceeds was adopted based on two considerations: (a) the impossibility of projecting into the indefinite future and the consequent necessity to establish some reasonable cutoff date; (b) the period of maximum hold harmless grants available for loan repayment. This base year applies to determinations to be made in Fiscal Years 1976 and 1977. Contrary to the impression many commentors had, this provision is not intended to result in any mandate by the Department to accelerate land disposition merely to effectuate financial settlements of renewal projects.

A number of commenters questioned the possibility that HUD would make deductions in cases where applicants had already budgeted block grant funds for loan repayment. In response, it is noted that in calculating the amount of deductions for loan repayment HUD will take into account amounts budgeted by the applicant for the same purpose, and the total would generally not exceed 20 percent of the entitlement grant without the consent of the applicant.

4. Section 570.803 has been reorganized for greater clarity. § 570.803(a) defines financial settlement of projects pursuant to the authority of Section 112 (b) of the Act and enumerates the classes of projects which are governed by that authority. This enumeration includes projects which have exhausted all funds prior to completion of the approved project activities, and projects which have completed all activities other than the sale of land. Section 570.803(b) consolidates all conditions on the release of surplus funds, including satisfaction of audit exceptions, repayment of temporary loans, and completion of certain approved activities such as relocation. Section 570.803(c) refers to the environmental review requirements of 24 CFR 58.20 which is adopted concurrently with this Subpart. Section 570.803 (d) states the requirement for a closeout agreement for projects covered by this section. Section 570.803(e) now separately enumerates the requirements which apply only to some classes of projects, namely those with incomplete activities which would otherwise be completed, including noncash local grants-in-aid. Section 570.803(e)(5) adds a requirement regarding maintenance of occupied residential property owned by the LPA at the time of financial settlement.

5. Section 570.804 includes a number of minor changes in language for purposes of clarity. In addition, § 570.804(b) has been changed to indicate that an application for financial settlement may be submitted in conjunction with an application for block grant funds, but is not part of such application, and that the statutory 75 day review limit does not apply to such requests. Section 570.804 (b)(6) now requires both a Community Development Program and a Budget showing the use of surplus funds. Section 570.804(b)(7) incorporates the rule pertaining to disposition of remaining project land after financial settlement and provides that where local funds other than block grants are used to repay loans, land proceeds subsequently received may be used to reimburse such local expenditures.

6. Section 570.200(a)(10) is revised to include a cross-reference to § 570.801.

In connection with the environmental review of these amendments, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Accordingly, 24 CFR Part 570 is revised as set forth below.

1. Section 570.200(a)(10) is amended to read as follows:

§ 570.200 Eligible activities.

(a) * * *

(10) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949 as amended, including an urban renewal project pursuant to the provisions of § 570.801 (b), (c), and (d).

* * * * *

2. Subpart I is amended to read as follows:

Subpart I—Urban Renewal Provisions

Sec.

570.800 General.
570.801 Payment of the cost of completing project.
570.802 Repayment of temporary loans.
570.803 Financial settlement of projects prior to completion.
570.804 Application for approval of financial settlement.

## Subpart I—Urban Renewal Provisions

### § 570.800 General.

This subpart contains regulations governing the use of funds available under this Part for the completion of urban renewal projects and neighborhood development programs; deductions authorized to be made from such funds for the repayment of temporary loans outstanding in connection with such projects and programs; and procedures for the financial settlement of projects and programs meeting the requirements of this subpart. For purposes of this subpart:

(a) A "project" or "urban renewal project" means an urban renewal project or neighborhood development program being carried out in the jurisdiction of the unit of general local government under a contract with HUD pursuant to the provisions of Title I of the Housing Act of 1949, as amended.

(b) A "temporary loan" means any outstanding direct loan or pledge of temporary loan rights for private market financing, including accrued interest, authorized under the HUD contract for the project.

(c) An "unearned grant" means that portion of the total project grant allocation, including any relocation and rehabilitation grant allocation, in excess of the grants payable with respect to the costs incurred and any remaining unliquidated, contingent, or disputed claims or obligations.

(d) A "surplus grant" means the unearned grant remaining after full repayment of the temporary loans.

### § 570.801 Payment of the cost of completing a project.

(a) Urban renewal projects may be continued under their existing contracts with available project funds.

(b) In addition, units of general local government may use funds made available under this Part for payment of the following costs to continue or complete such projects:

(1) Payment of the cost of activities approved under the HUD contract for the project with respect to which the budgeted project funds are insufficient, and non cash local grants-in-aid which either (i) were included in a HUD approved urban renewal financing plan dated prior to August 22, 1974, and which are required to effectuate project completion and financial settlement,

(ii) Are otherwise eligible under § 570.-200; provided, however, that funds available under this Part shall not be used to pay the cost of local grants-in-aid with respect to which other funds were expended, obligated or otherwise set aside

by official action of the unit of general local government prior to approval of the application for the funds under this Part. Payment of the cost of noncash local grants-in-aid under this paragraph which are not otherwise eligible under § 570.200 shall not exceed the percent of benefit approved in the project financing plan or, with respect to supporting facilities, the 25 percent benefit or $3,500,000 maximum cost limitation applicable under section 110(d) of Title I of the Housing Act of 1949. The use of funds under this paragraph is not authorized with respect to incomplete project activities or noncash local grants-in-aid remaining after the financial settlement of a project under § 570.803(a)(1), except to the extent completion is required by the Secretary to comply with the provisions of § 570.803(d)(3) or (4).

(2) Repayment of temporary loans.

(c) Funds made available under this Part for use pursuant to paragraph (b) shall be identified in the Community Development budget as funds for completion of urban renewal projects and their use shall be governed by the procedures under this Part.

(1) The unit of general local government may use funds made available under this Part to acquire cleared project land from the local public agency for a public use or for subsequent disposition to redevelopers. Such acquisition shall be at the fair use value of the property provided under section 110(c)(4) of Title I of the Housing Act of 1949, as amended, and subject to covenants under the provisions of which:

(i) The use of the property by the unit of general local government or its assignees shall be in accordance with the applicable urban renewal plan;

(ii) Any improvements on such property required by the urban renewal plan shall be begun within a reasonable time after the property is acquired for purposes of redevelopment by the unit of general local government or its assignees.

(iii) Any proposed reconveyance of such property by the unit of general local government for purposes of redevelopment shall be subject to the public disclosure requirements otherwise applicable to local public agencies in the disposition of project land to redevelopers under section 105(e) of Title I of the Housing Act of 1949, as amended.

(iv) Discrimination upon the basis of race, color, religion, sex, or national origin, in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected or be erected thereon shall be prohibited, and the unit of general local government and the United States shall be beneficiaries of and entitled to enforce such covenant.

(2) In the subsequent disposition of project land acquired by the unit of general local government pursuant to paragraph (1) of this section, the provisions of section 110(c)(4) of Title I of the Housing Act of 1949, as amended, regarding fair use value, shall not apply. Any proceeds received by the unit of general local government in the event of such disposition shall be treated as program income pursuant to § 570.506;

(d) Use of funds made available under this Part for the completion of urban renewal projects shall not increase the maximum loan or grant amount or the requirements for the contribution of local grants-in-aid under the HUD contract for the project.

### § 570.802 Repayment of temporary loans.

(a) *Determination of Federal Government's financial interest.* The Secretary will review urban renewal projects in consultation with local public agencies and units of general local government to determine whether the Federal Government's financial interest in such projects will be sufficiently protected. The Secretary may request submission of a local plan for repayment of temporary loans in connection with such determinations.

(1) The Federal Government's financial interest in existing urban renewal projects shall be determined to be sufficiently protected if the Secretary finds that all temporary loans made or authorized to be made can be repaid without additional project grants, taking into consideration the costs incurred or to be incurred, the estimated proceeds upon any sale or disposition of property, grants approved under the HUD contract for the project, and any other funds which are to be provided for completion of the projects, including the repayment of temporary loans.

(2) In estimating the property disposition proceeds pursuant to paragraph (a)(1), the Secretary will consider the land marketing history of the project, recent appraisals and market studies, the length of time land has been available for sale, comparable sales data, and other generally available data relevant to the value and marketability of remaining land; Provided, however, that with respect to the determinations for Fiscal Years 1976 and 1977, the Secretary shall take into consideration only those proceeds reasonably expected to be paid into the Project Temporary Loan Repayment Account by the end of Fiscal Year 1978 in the event that—

(i) the project has unsold land which has been available for at least three years and is not under contract of sale; or

(ii) twenty percentum of the unit of general local government's entitlement grant will be insufficient over a three year period to provide for any current or anticipated deficit.

The Fiscal Year 1978 base year for estimating land proceeds may be waived if the Secretary determines that the Federal financial interest is otherwise sufficiently protected.

(b) *Deductions at the initiative of the Secretary.* The Secretary may, after consultation with the chief executive of the unit of general local government and the local public agency, deduct up to 20 percent of the funds made available under this Part in any fiscal year to the unit of general local government from allocations pursuant to § 570.101, for application to the repayment of temporary loans if the Secretary determines that the Federal financial interest will not otherwise be sufficiently protected. In determining the amount to be deducted, the Secretary shall take into consideration the factors considered in making the findings under § 570.802(a)(1).

### § 570.803 Financial settlement of projects.

(a) Upon written request of the local public agency carrying out the project, approved by resolution of the governing body of the unit of general local government, the Secretary shall approve a financial settlement of any project subject to the requirements of this section and § 570.804, which will result in full repayment of all temporary loans. Up to the full amount of the unearned grant, as well as any additional funds made available for such purpose under the provisions of § 570.801(b)(2) may be applied to repayment of the temporary loans so as to effect the financial settlement. Such financial settlements may be approved by the Secretary pursuant to a financing plan revised on the basis of the noncash local grants-in-aid actually provided. Subject to the requirements of paragraph (b) of this section, any surplus grant funds remaining after settlement will be made available to the unit of general local government for use in accordance with the provisions of this Part.

The provisions for financial settlement under this section are authorized for any project with respect to the settlement of which one or more of the following conditions apply.

(1) All approved project activities (other than the sale of land) for which project funds are available, or noncash local grants-in-aid which would otherwise have been required, will not have been substantially completed prior to the date of the financial settlement;

(2) All available project funds have been exhausted prior to completion of the approved project activities;

(3) The approved project activities have been completed except for the sale of all project land;

(4) The approved project activities have been completed and the settlement will result in a surplus grant.

(b) The release of surplus grant funds may be subject to completion of an audit and satisfaction of any audit exceptions with respect to the project, or any other projects located in the unit of general local government; provided, that the surplus grant funds or other funds available under the provisions of this Part shall not be used for payment of ineligible project costs.

The Secretary may require the application of surplus grant funds to any of the following purposes as a condition to financial settlement:

(1) Activities eligible for funding under § 570.801(b) in any other projects located in the unit of general local government for which the Secretary determines insufficient project funds may be available, consisting of (i) the

repayment of temporary loans; (ii) the completion of approved project activities which are deemed essential to protect the Federal interest in housing for which Federal subsidies have been committed or loans or mortgage insurance provided; (iii) the completion of approved project activities which are deemed essential to assure compliance with any applicable low and moderate income housing requirements under sections 105(f) and 105(h) of Title I of the Housing Act of 1949, as amended; and (iv) the payment of any obligations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(2) With respect to the settlement of projects authorized under paragraph (a)(1), the completion of any approved project activities or noncash local grants-in-aid which are deemed essential to meet the requirements of paragraph (e) (3) and (4) and are eligible for funding under § 570.801(b).

(c) The financial settlement of a project under this section shall be subject to the environmental review requirements of 24 CFR § 58.20.

(d) Prior to financial settlement, the local public agency carrying out the project, and the unit of general local government in which the project is located, must execute a closeout agreement pursuant to the requirements of § 570.804(b)(7).

(e) Approval of requests for financial settlement under paragraph (a)(1) of this section shall be subject to the following additional requirements with respect to: any incomplete approved project activities which would otherwise be continued or completed with available project funds; any noncash local grants-in-aid which would otherwise be provided under the HUD contract for the project; and the use of any surplus grant funds remaining after the settlement:

(1) The proposed action must not be plainly inappropriate to meeting the needs and objectives stated in the unit of general local government's Community Development Plan;

(2) The proposed action must be subjected to the citizen participation requirements under this Part, and must be reviewed by the Urban Renewal Project Area Committee where one exists;

(3) Any proposed changes in the scope of renewal treatment must not adversely affect housing for which Federal subsidies have been committed or loans or mortgage insurance provided;

(4) Any proposed change in the scope of renewal treatment must not be inconsistent with the satisfaction of any remaining low and moderate income housing requirements under Sections 105 (f) and 105(h) of Title I of the Housing Act of 1949; as amended;

(5) The maintenance of any occupied residential project property owned by the local public agency at the time of the settlement, including such property thereafter transferred for use or disposition to the unit of general local government, with respect to which relocation activities have not been completed, must be consistent with property management standards applicable to the local public agency under urban renewal requirements.

(6) The unit of general local government shall be responsible to assess the effect of the proposed action on any third party obligations under State and local law.

### § 570.804 Application for approval of financial settlement.

Financial settlement will be approved if the Secretary finds that all applicable requirements of § 570.803 have been met after completion of the following actions:

(a) *Preliminary request.* A preliminary request shall be submitted in order to determine what actions will be necessary to comply with the requirements of § 570.803. The request shall include a report on the status of project activities, an estimate of the amount of surplus grant funds which may remain after financial settlement, and information regarding the financial status of any other projects in the locality of the unit of general local government. The Secretary will review the request and will advise the applicant whether any approved project activities must be completed or noncash local grants-in-aid provided in order to comply with requirements of § 570.803(e) (3) and (4) if the settlement is for a project authorized under § 570.803(a)(1), and whether any surplus grant funds will be required to be applied under the provisions of § 570.803(b). The applicant may then proceed to prepare a formal application, including performance of any environmental reviews required pursuant to 24 CFR Part 58.20.

(b) *Application for financial settlement and release of surplus funds.* The application for financial settlement and release of any surplus funds may be submitted either as a program year amendment described in § 570.305 or in conjunction with the unit of general local government's application for funds under this Part, submitted in accordance with § 570.303, provided, however, that the review and approval requirements of § 570.306(c) shall not apply. A unit of general local government which receives no entitlement amount under Subpart B shall submit an original application in accordance with the requirements of § 570.303. The application shall include:

(1) A written request for financial settlement submitted by the local public agency carrying out the project and concurred in by the governing body of the unit of general local government in which the project is located.

(2) A description of the steps the applicant has taken to comply with the applicable requirements of § 570.803 and any conditions required by HUD pursuant to review of the preliminary request.

(3) A statement indicating the extent to which incomplete activities are proposed to be continued or completed after financial settlement of a project under § 570.803(a)(1).

(4) A Certificate of Completion and Gross and Net Project Costs for the project, with appropriate modifications, reflecting the authority and nature of the settlement under the applicable provisions of § 570.803(a), and which includes the cost of any remaining incurred, disputed, contingent and unliquidated relocation or other claims and obligations.

(5) A certification that environmental review required of the applicant pursuant to 24 CFR Part 58.20 has been completed, and that the citizen participation requirements under § 570.803(d)(2) have been complied with.

(6) A Community Development Program and Budget which identifies the activities to be carried out with any surplus funds or other funds included in the letter of credit for the purpose of liquidating costs identified pursuant to § 570.804(b)(4).

(7) A closeout agreement for concurrence by the Secretary, executed by the local public agency carrying out the project and by the unit of general local government in which the project is located, under the provisions of which:

(i) All remaining project property owned by the local public agency shall be identified and the proceeds from the sale or lease of such property after financial settlement shall be treated as program income of the unit of general local government under the provisions of § 570.506; provided, however, that such proceeds may be applied to the reimbursement of any funds of the unit of general local government, other than funds made available under this Part or cash local grants-in-aid required on the basis of incurred net project costs, which were used for the payment of temporary loans for the project. Any remaining project land may be retained for disposition by the local public agency, or transferred to the unit of general local government for use or disposition subject to the covenants specified in § 570.801(c)(1) (i), (ii), (iii) and (iv). In the disposition of such land, the provisions of section 110(c)(4) of Title I of the Housing Act of 1949, as amended, regarding fair use value shall not apply.

(ii) All low- and moderate-income housing required to be provided due to the demolition or removal of residential structures with project funds, pursuant to Section 105(h) of Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be identified as to general location and total number. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan, described in § 570.303(c).

(iii) All low- and moderate-income housing requirements with respect to which a predominantly residential project was obligated, pursuant to Section 105(f) of the Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be identified as to general location and total number. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan. Any change in such remaining housing obligations, or in previ-

ously approved land uses affecting the remaining housing obligations, shall require the approval of the Secretary as long as the area remains predominantly residential under the provisions of the applicable urban renewal plan.

(iv) Any costs or obligations incurred in connection with the project with respect to claims which are disputed, contingent, unliquidated or unidentified, and for the payment of which insufficient project funds have been reserved under the financial settlement, shall be borne by the unit of general local government. Such additional expenses may be paid from funds made available under this Part.

(v) Provision is made for any special conditions regarding the obligations of the local public agency and the unit of general local government with respect to the requirements of § 570.803.

(vi) The obligations under the close-out agreement are made specifically subject to the Program Management requirements of Subpart J.

(c) *Staged use of surplus funds.* If the unit of general local government wishes to stage the use of surplus urban renewal funds over a period of years, it may request the Secretary to make the funds available on a schedule specified by the unit of general local government. In this event, the community development plan summary included in the application or amendment shall specify the total usage of funds, and the annual Community Development Program and budget submissions shall include only the surplus funds proposed to be used in the program year.

*Effective date.* This regulation shall be effective on May 18, 1976.

DAVID O. MEEKER, Jr., FAIA, AIP,
*Assistant Secretary for Community Planning and Development.*

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federal register

TUESDAY, MAY 18, 1976

PART V:

# COMMUNITY SERVICES ADMINISTRATION

■

# COMMUNITY ACTION PROGRAMS

## Summer Youth Recreation Programs

## Title 45—Public Welfare

## CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

## PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

### Subpart—Summer Youth Recreation Programs

The Director of the Community Services Administration hereby revises the rules, regulations and grant application procedures set forth below relative to the Summer Youth Recreation Program authorized under Section 222(a) (13) of the Community Services Act of 1974. Interested persons are invited to submit comments on these revisions to James R. King, Chief, Manpower Team, Office of Operations, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506. Inasmuch as this program is designed to begin as soon as possible after spring closing of schools and of the deadline for submission of applications is May 31, 1976, comments should be received by June 4, 1976 in order to be considered with regard to further revision of this subpart. In the interim, this subpart will serve as the basis for initiating the grant application process.

*Effective date:* June 4, 1976.

1. In 45 CFR Chapter X, Part 1061, the table of contents for §§ 1061.20–1 through 1061.20–11 is revised to read as follows:

**Subpart—Summer Youth Recreation Programs**


Sec.
1061.20–1 Applicability.
1061.20–2 Definitions.
1061.20–3 Purpose.
1061.20–4 Summer Youth Recreation Program—description and components.
1061.20–5 Eligible sponsors/alternates.
1061.20–6 Eligible participation.
1061.20–7 Funding.
1061.20–8 Application process.
1061.20–9 Expenditure of funds.
1061.20–10 Coordination with other programs.
1061.20–11 General requirements.
APPENDIX A
APPENDIX B—Narrative Description of Program
APPENDIX C—Instructions for Preparation of Summer Youth Recreation Documents
APPENDIX D
APPENDIX E
APPENDIX F—Summer Youth Recreation Program Prime Sponsors


REFERENCES:

(a) OEO Instruction 6801–1—Grantee Fiscal Responsibility and Auditing.

(b) CSA Manual 2410–1—Accounting System Survey and Audit Guide for CSA Grants.

(c) OEO Instruction 6807–2—Grantee Quarterly Financial Reports.

(d) OEO Instruction 6807–2, Ch. 1—Grantee Quarterly Financial Reports.

(e) OEO Instruction 7001–01a—Grantee Property Administration.

(f) OEO Instruction 6809–1—Bond Coverage of Officials.

(g) OEO Instruction 7031–1—Grantee Program Progress Review.

(h) CSA Instruction 7850–1a—Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects.

SAMUEL R. MARTINEZ,
*Director.*

2. In 45 CFR Chapter X, Part 1061.20–1 through 1061.20–11 is revised to read as follows:

### Subpart—Summer Youth Recreation Programs

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

**§ 1061.20–1 Applicability.**

This subpart applies to grantees funded under section 222(a) (13) of the Community Services Act of 1974 if the assistance is administered by the Community Services Administration.

**§ 1061.20–2 Definitions.**

(a) "Act" shall mean the "Headstart, Economic Opportunity, and Community Partnership Act of 1974" (Pub. L. 93–644).

(b) "Allocation" shall mean the distribution of funds among prime sponsors designated by the Secretary of Labor under section 102 of the CETA Act according to the formulas contained in the Act.

(c) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(d) "CETA Act" shall mean the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203).

(e) "Chief Elected Official" and "Chief Executive Officer" shall include their designees.

(f) "Community Action Agency" shall mean a political jurisdiction, public agency, or private non-profit agency which has the power and authority and will perform the functions set forth in section 212 of the Act and is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action program by the Director.

(g) "CSA Regional Director" shall mean the ten Regional Directors of the Community Services Administration in specified geographical areas of the country.

(h) "Director" shall mean the Director of the Community Services Administration.

(i) "Economically Disadvantaged" shall mean a person who is a member of a family as defined under CETA income poverty guidelines.

(j) "Summer Youth Program" shall mean the Summer Program for Economically Disadvantaged Youth funded under Title III, section 304(a) (3) of the Comprehensive Employment and Training Act of 1973 and administered by the U.S. Department of Labor.

**§ 1061.20–3 Purpose.**

This subpart sets forth the policies, rules and regulations of the Community Services Administration (CSA) in implementing and administering Summer Youth Recreation Programs authorized under section 222(a) (13) of the Community Services Act of 1974.

**§ 1061.20–4 Summer Youth Recreation Program—description and components.**

(a) *Description.* (1) The Summer Youth Recreation Program is designed to provide recreational opportunities for economically disadvantaged children during the summer months. The programs will be conducted in conjunction with the Summer Youth Program administered by the U.S. Department of Labor, Summer Youth enrollees should be utilized to the maximum extent possible in the conduct of this program.

(2) The programs shall begin as soon as possible after the Spring closing of school and shall not continue beyond September 30, 1976.

(3) To the maximum extent possible, Summer Youth Recreation Program sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the programs. Activities shall be conducted in as many low-income areas of the sponsor's jurisdiction and designed to serve as many low-income children as possible within the constraints of effective program management and support.

(b) *Components.* (1) Summer Youth Recreation Programs will consist of the following components:

(i) Recreation support programs will provide recreation opportunities such as playground activities, organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts and special events.

(ii) Transportation support programs will provide transportation services to such cultural, recreational, educational, or employment activities.

**§ 1061.20–5 Eligible sponsors/alternates.**

(a) *Eligible Agencies.* Agencies eligible to receive summer recreation funds shall be prime sponsors under Title I of the CETA Act. (See Appendix F.)

(b) *Alternative Sponsors.* The CSA Regional Director may make provision for the funding of an alternative sponsor if a sponsor, for any reason, is unable or fails to establish or maintain an acceptable Summer Youth Recreation Program.

(c) *Delegate Agencies/Subgrants.* A Summer Youth Recreation sponsor may enter into contracts or subgrants under the provision set forth in OEO Form 280, Agreement for Delegation of Activities.

**§ 1061.20–6 Eligible participation.**

Participants in a Summer Youth Recreation Program shall be youth too young to obtain employment and be economically disadvantaged. The main target group for the Summer Youth Recreation Program shall be disadvantaged youth between the ages of eight and thirteen.

**§ 1061.20–7 Funding.**

(a) *Allocation of Funds.* Section 222 (a) (13) of the Community Services Act of 1974 provides for the allocation of funds for the Summer Youth Recreation

Program by the Director after consultation with the Secretary of Labor. Funds are allocated on the basis of (1) the relative number of public assistance recipients in the areas served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such area as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallotted at such dates during the fiscal year as the Director may fix, to the extent feasible in proportion to the original allotments. In making Summer Youth Recreation allocations under the Act, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no sponsor shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher.

(b) *Non-Federal Share; Waiver of.* Non-Federal share required by section 225(c) is waived for all programs funded under section 222(a)(13), Summer Youth Recreation Programs and does not require a request for waiver from applicants for grants.

### § 1061.20–8 Application process.

(a) *Role of the CAA.* The Community Action Agency or Agencies operating within the jurisdiction of the Summer Youth Recreation Program sponsor shall be given an opportunity to formally comment on the Summer Youth Recreation Program grant application and to recommend approval or disapproval to the CSA Regional Director. Community Action Agencies shall be provided with a copy of the Summer Youth Recreation Program grant application at the same time that the proposal is submitted to the CSA Regional Director. The CAAs will have five days within which to recommend approval or disapproval to the CSA Regional Director. The Community Services Administration retains final approval authority.

(b) *Forms/Documentation Required.* The forms and other documents to be used in applying for Summer Youth Recreation Programs will be made available to eligible sponsors by the CSA Regional Directors. The forms to be used in applying for a Summer Youth Recreation Program are as follows:

(1) OEO Form 301, Summary of Grant Application.

(2) OEO Form 325, Budget Summary.

(3) OEO Form 325A, Budget Support.

(4) OEO Form 394, Checkpoint Procedure for Coordination.

(5) CAP Form 84, Participant Characteristics Plan.

(6) Statement of Accounting System Certification, Appendix A to this Instruction (for use by public agencies).

(7) OEO Form 280, Agreement for Delegation of Activities.

(8) Program Narrative Description (See Appendix B).

NOTE: Detailed instructions for the preparation of the above documents can be found in Appendix C.

(c) *Deadline for Submission of Applications.* Summer Youth Recreation grant applications shall be submitted to CSA Regional Offices no later than May 31, 1976.

(d) *Checkpoint Coordination.* A procedural variance in the procedures normally followed in the Project Notification and Review System (A–95) will be in effect. Applicants should simultaneously forward a copy of their applications to the appropriate CSA Regional Office and the appropriate clearinghouse. Applicants should indicate in their clearinghouse submissions that any comments should be forwarded directly to the appropriate CSA Regional Office as soon as possible and no later than June 7, 1976.

### § 1061.20–9 Expenditure of funds.

(a) *Allowable Costs.* (1) Administration, including salaries, wages and fringe benefits of program administrators (but not program staff); consumable office supplies; rent and utilities; telephone and postage; travel of program administrators and audit costs. Funds in this category are subject to the administrative cost limitations as defined in OEO Instruction 6807–2, Grantee Quarterly Financial Reports.

(2) Recreation services including but not limited to: Purchase of recreation equipment [1] and supplies up to $200 per unit cost to be used in support of the program; rental of recreational equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries; wages, fringe benefits and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing and insurance. The standards to be used for the procurement of supplies, equipment and other material and services with Federal grant funds are described in OEO Instruction 7001–01a, Grantee Property Administration.

(3) Charges above operating costs for the use of grantee owned facilities will not be made to the SYRP program except with the written authorization of the appropriate CSA Regional Director.

(4) Transportation services, including but not limited to: bus tokens, and rental of charter buses, taxis, cars and vans.

(b) *Non-Allowable Costs.* (1) Summer Youth Recreation Program funds shall not be expended on office equipment, in-place installations, capital improvements, to compensate participants in the program or to purchase transportation vehicles or equipment such as cars, vans, or buses.

[1] Disposition of property will be in accordance with the policy stated in CSA Instruction 7001–01a.

(2) Summer Youth Recreation funds shall not be used to finance any other program activities and services not authorized under the Summer Youth Recreation Program such as, but not limited to, work experience, on-the-job training or public service employment activities.

(3) Summer Youth Recreation Program funds shall not be used to finance trips outside a 100-mile radius of the sponsor's jurisdiction unless the trip has received the specific written approval of the CSA Regional Director or his designee.

### § 1061.20–10 Coordination with other programs.

(a) The Summer Youth Recreation Programs will be closely coordinated with the anti-poverty programs of the Community Action Agency serving the jurisdiction covered by the Summer Youth Recreation Program with a view of minimizing possible duplication of effort and providing efficiencies in the use of common facilities and services.

(b) Sponsors should coordinate Summer Youth Recreation Programs with manpower and social service programs, including the Summer Youth Employment Program and other CETA manpower activities.

(c) The extensive outreach and intake capability of the Community Action Agencies should be utilized to the maximum extent possible. The CAA network of Neighborhood Service Centers in disadvantaged communities provide a ready means of assuring that the disadvantaged are effectively served by the program. In addition, transportation services may be provided as services for participants in the Summer Youth Program and thus supplement transportation support activities carried out under the Summer Youth Recreation Program.

(d) Sponsors may utilize the Summer Feeding Program for low-income children which provides meals (and recreational activities as well in most instances) in schools, community centers, parks, playgrounds, storefronts and other settings. (See Appendix E for listing of State School Lunch Directors who can assist sponsors in applying for the program.)

(e) Participants in the Summer Youth Program and other manpower programs, including public service jobs incumbents under the CETA Act, should be utilized as program and administrative staff in the Summer Youth Recreation Program to the maximum extent feasible by using the Summer Youth Recreation Program sites as work stations.

### § 1061.20–11 General requirements.

(a) *Maintenance of Effort.* No sponsor shall, because of funds granted under section 222(a)(13) of the Act, reduce or decrease funds already planned for Summer Youth Recreation activities of a nature similar to those provided under the aforementioned section.

(b) *Insurance.* General liability insurance, including automobile liability insurance must be obtained, in amounts which assure the adequate protection of

program participants and the grantee. The required minimum liability coverage shall be $300,000 per accident and per person and the minimum property damage coverage shall be $25,000. In the case of those organizations which could raise the defense of sovereign immunity, the insurance policy shall provide that this defense will not be raised by the organization of the insurer.

(c) *Bonding.* Prior to the release of funds to any grantee, public or private, CSA must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. (See Appendix D for CSA's policy statement on Bond Coverage of Officials.)

(d) *Program Progress Report and Evaluation.* Sponsors shall submit a program progress report as outlined in CSA Instruction 7031–1 on the results of the Summer Youth Recreation Program to the appropriate CSA Regional Office no later than October 20, 1976. All grantees are also required to undertake self-evaluations. In addition, CSA may undertake on-site evaluations of selected projects.

(e) *Financial Reporting.* A financial report is to be submitted by October 20, 1976, to the appropriate CSA Regional Office in accordance with the requirements and procedures set forth in OEO Instruction 6801–1, Grantee Fiscal Responsibility and Auditing and OEO Instruction 6807–2, Ch. 1, Grantee Quarterly Financial Reports.

(f) *Auditing.* Audit requirements for this program are to be met by complying with OEO Instruction 6801–1 and Appendix A of this instruction for public agencies and any special conditions that are a part of the grant award.

(g) *Safety and Health Conditions.* Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety of health.

(h) *Licensing.* All transportation services under this program will be from sources properly licensed and insured to provide carriage of the public, and which are operated in compliance with all applicable local, State and/or Federal statutes covering public transportation.

APPENDIX A

STATEMENT TO BE SUBMITTED BY APPROPRIATE PUBLIC FINANCIAL OFFICER WHEN THE APPLICANT IS A PUBLIC AGENCY OR WHEN THE ACCOUNTING SYSTEMS OF A PRIVATE-NONPROFIT AGENCY WILL BE MAINTAINED BY A PUBLIC AGENCY

*(Address of Regional or Program Office of CSA, as appropriate)*

DEAR SIRS: I am the chief financial officer of (name of public body) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (name of applicant), which is a public (or non-profit) agency charged with carrying out a CSA program in (name of community). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

---
Signature of financial officer

---
Name of financial officer

---
Title

---
Name of public body

STATEMENT TO BE SUBMITTED WHEN APPLICANT IS A PRIVATE-NONPROFIT AGENCY (OR A PUBLIC AGENCY) WHOSE ACCOUNTING SYSTEM WILL NOT BE MAINTAINED BY A PUBLIC AGENCY

*(Address of Regional or Program Office of CSA, as appropriate)*

DEAR SIRS: I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the (name of applicant), which is a private-nonprofit organization (or public agency) carrying out a CSA program in (name of community).

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

---
Signature of accountant

---
Name of accountant

---
Name of firm

APPENDIX B.—NARRATIVE DESCRIPTION OF PROGRAM

The above narrative description will be prepared as shown below. Applicants should present a clear and concise description of each item addressed in the narrative using charts, graphs, maps, etc.

NARRATIVE DESCRIPTION OF PROGRAM

A. Prepare a statement regarding the purpose of the Summer Youth Recreation Program. This statement should focus on the recreational needs of the economically-disadvantaged youth residing in the area covered by this project.

B. Describe the types of recreational activities and services that will be provided the youth served by the program. Include an estimate of the costs for each activity or service in the program. Specify any field trips, sports, events, cultural, recreational or educational trips outside the jurisdiction(s) covered by the applicant agency.

C. Provide a list of the recreational equipment and supplies that will be purchased for the program, particularly any equipment costing over $200.00.

D. Describe the community or geographic area(s) that will be served by the recreational opportunities of the program.

E. Prepare an estimate of the number of recreational opportunities to be offered in the program. Include an estimate of the number of opportunities that each type of activity or service described in B above will provide.

F. Prepare a statement describing the results and benefits to be derived from the recreation program in terms of both the community and participants served, in relation to the recreational needs of the community.

G. Describe how the program will be coordinated and linked with other manpower and social service programs. For example, utilizing administrative staff of Summer Youth Program to administer the recreation program. Using the local CAAs assistance in outreach, intake capability and other support services. In addition, transportation services may be provided through the Summer Youth Program and thus supplement transportation support activities carried out under this program.

H. Describe the method in which participants will be recruited, selected and eligibility is determined (to ensure that those most in need are served by the program).

The sponsors application for funding must be consistent with the requirements as outlined in CSA Instruction 7850–1a, Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects.

Applicants are encouraged to discuss the narrative requirements as well as any other application requirements with CSA Regional Office representatives to ensure that the application is as complete and accurate as possible before it is submitted for approval.

APPENDIX C—INSTRUCTIONS FOR PREPARATION OF SUMMER YOUTH RECREATION DOCUMENTS

Eligible applicants should submit the original and two copies of all required forms and documents to the appropriate CSA Regional Director by May 1976. One copy of the grant application shall be submitted to the CAA/s serving the jurisdictions covered by the Summer Youth Recreation program at the same time as the application is submitted to the Regional Office. The following instructions are provided to assist applicants in completing grant application forms:

SUMMARY OF GRANT APPLICATION, OEO FORM 301

Item 1. Type of Application—check "new."

Item 2. Name of OEO Project Manager—to be provided by CSA Regional Office.

Item 3. Name of Applicant Agency—enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity.

Item 4. Address—enter the complete address of the applicant.

Item 5. Applicant Agency Program Manager—enter the name of person(s) directly assigned to this project.

Item 6. Telephone Number of Program Manager—enter the telephone number of person(s) directly assigned to this project.

Item 7. Political Jurisdiction in Which OEO Funded Activities Will Take Place:

a. Counties—enter the counties to be served by this project. If the applicant is the state or "balance of the state," the area served may be indicated as the "balance of the state."

b. Cities—enter the cities or city to be served by the project (e.g., City of Chicago, City of Boston, etc.). If the project is serving balance of state, indicate balance of state.

c. Congressional District—enter the congressional district(s) in which the applicant is located.

Item 8. Type of Area Served by Project—check the appropriate block(s) defined in Item 8 to be served by this project.

Item 9. Total Population In Area Served—enter the total population residing in the area to be served by this project.

Item 10. Type of Agency—"not applicable for this project."

Item 11. Internal Revenue Services Employer Identification Number—enter the employer identification number assigned by the U.S. Internal Revenue Service.

Item 12. Applicant Type—check the appropriate block in which the applicant is located (e.g., city government, county government, (etc.); check other if applicant type is not shown in Item 12 and specify type of applicant.

Item 13. Applicant Function—check the most applicable block(s). Check "other" if applicant function is not defined in Item 13 and specify function of applicant.

Item 14. Will the Administration of Any Part of the Work Program be Delegated to Another Agency?—check the appropriate block. If "yes" applicant must submit the required form shown in Item 14.

Item 15. Funding Period For Which Funds Are Requested:

a. Beginning Date—enter the approximate date the project is expected to begin.

b. Ending Date—enter the approximate date the project is expected to end. (All projects will terminate by September 30, 1976).

Item 16. Total Requested Budget Per OEO Form 325:

a. OEO Federal—enter the amount allocated by the Director. CSA Regional Director will provide eligible applicants the amount allocated by the Director.

b. Non-Federal—not applicable.

Section III. Former Office of Economic Opportunity Employees—not applicable.

Sections IV–VII. These Sections are applicable and binding by the applicant on the signature of the chief elected official or the authorized representative of the applicant agency.

The following special instructions for completing the remaining forms are set forth only in those cases where data required is not considered to be self-explanatory.

BUDGET SUMMARY, OEO FORM 325

Item 3A. Grant No.—this number to be entered by the CSA Regional Office.

Item 3C. Program Account Title and No.—to be provided by CSA Regional Office.

Section I. Budget Summary—eligible applicants will complete Column C only. Column C corresponds with Columns A (Cost Category No.) and B (Cost Category). Enter the estimated expenditures in Columns C.1 (OEO Federal) and C.2 (Non-Federal), based upon the amount of funds allocated by the Director in each applicable cost category. Total for Column C.1 should agree with the amount allocated the applicant. Column C.2—not applicable.

Section II. Estimated Future Costs—not applicable.

Budget Support Sheet, Part I (Salaries and Wages) and Part II (Budget Support Data), OEO Form 325a.

Part I. Salaries and Wages (Itemization of Cost Category No. 1.1)—enter the appropriate data as specified based upon the amount allocated (e.g., estimate expenditures in support of this project).

Part II. Budget Support Date (Itemization of Cost Categories Other Than Salaries and Wages. Show Subtotal for Each Cost Category)—enter the estimated expenditures for each item as specified.

CHECKPOINT PROCEDURE FOR COORDINATION, OEO FORM 394

This form is to be used to solicit comments from the Community Action Agency in the jurisdiction in which the applicant agency is located.

APPENDIX D

Bond coverage of officials. Prior to the release of funds to any grantee, public or private, for the first initial grant, OEO must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may either take the form of a statement that no bond is needed (in line with the conditions noted below) or it may consist of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond that has been obtained.

A bond does not need to be provided by a grantee, public or private, if funds are to be deposited in a public treasury and disbursed and audited by local or State public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency must be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. Nor does a grantee which is a public agency need to provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded, in an amount consistent with local requirements and practices.

In all other situations, grantees—whether public or private agencies—must takes steps to secure fidelity bond coverage in line with the following guides:

(1) Coverage should be secured in the aggregate amount of $25,000 for persons authorized to sign or countersign checks or to to disburse sizeable amounts of cash (such as for payrolls). Persons who handle only petty cash need not be bonded. Nor is it necessary to bond officials who are authorized to sign Payment Vouchers, but who are not authorized to sign or countersign checks or to disburse cash.

(2) Grantees normally should obtain a 3 year bond, payable annually, with an option to cancel in the event the program terminates before three years. Such terms are available from the most surety companies.

(3) Grantees are responsible for assuring that appropriate officials of delegate agencies are bonded. Existing bond coverage on officials of delegate agencies which are public agencies shall be considered acceptable. Coverage for officials of delegate agencies which are private organizations shall be equal to the average of funds to be expended each month (up to an aggregate amount of $25,000.) If a delegate agency will expend less than $1,000 per month in program funds, on the average, bond coverage is not required.

(4) Copies of bonds secured by the grantee and by delegate agencies should be filed by the grantee and need not be submitted to OEO.

APPENDIX E

T. G. Smith
205–269–6011
Food Services & Local Accounting
Administrative & Finance
State Department of Education
460 State Office Building
Montgomery, Alabama 36104

Mr. Marge Dawes, Coordinator
School Lunch Services
State Department of Education
Alaska Office Building—Pouch F
Juneau, Alaska 99801

Mrs. Frances Sullivan, Supervisor
School Lunch Programs
Department of Education
Pago Pago, Tutuila, American Samoa 96920

Joanne Hurley, Director
602–271–5198
School Lunch Program
State Department of Public Instruction
Suite 165, State Capitol
Phoenix, Arizona 85007

J. A. Niven, State Director
School Lunch Division
West Central
USDA Regional Office
State Department of Education

Mr. Webber, Supervisor
School Lunch Program
State Department of Education
721 Capitol Mall
Sacramento, California 95814

Mr. Pohle H. Wolfe, Consultant
School Food Services
State Department of Education
520 State Office Building
Denver, Colorado 80203

Ms. Ann R. Tolman
203–566–2544
School Lunch Program
State Department of Education
State Capitol Building
Hartford, Connecticut 06115

Mr. R. L. John
302–678–4718
State Supervisor of School Lunch
Department of Public Instruction
Box 191
Dover, Delaware 19901

Mr. Joseph M. Stuart, Director
Department of Food Services
Public School of District of Col.
Presidential Building—Room 806
415—12th Street, N.W.
Washington, D.C. 20004

Mr. George Holckenbery, Acting Director
904–488–4186
School Food Service
State Department of Education
Tallahassee, Florida 32304

Miss Josephine Martin, Chief Consultant
404–656–2457
Southeast Regional Office
School Food Service Program
State Department of Education
Room 211, State Annex Building
156 Trinity Avenue, S.W.
Atlanta, Georgia 30303

Mrs. Audrey M. Hansen, School Lunch Consultant, SPC, School Lunch Program
Department of Education
Government of Guam
P.O. Box DE
Agana, Guam 96910

Mr. Stanley Doucette, Director
808–548–6583
School Lunch Service
State Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

Mr. Cecil F Olsen, Director
208–384–2411
School Lunch Program
State Department of Education
Room 205, Statehouse
Boise, Idaho 83701

Mr. Robert Ohlzen
217–782–6500
School Lunch Division
Office of the Superintendent of Public Instruction
316 South Second Street
Springfield, Illinois 62701

Mr. John Harter
School Lunch Division
State Department of Public Instruction
Room 803, State Office Building
Indianapolis, Indiana 46204

Mr. Lavern E. Carpenter, Director
School Lunch Program
State Department of Public Instruction
Grimes State Office Building
Des Moines, Iowa 50319

Miss Ione George
913–296–2276
School Lunch Program
State Department of Public Instruction
Kansas State Education Building
120 East 10th Street
Topeka, Kansas 66612

Mr. C. E. Bevins, Director
502–564–4210
Division of School Lunch, State Department of Education
Bureau of Pupil Personnel Services
State Office Building, 2nd Floor
Frankfort, Kentucky 40601

Miss Eleanor Bateman, Supervisor
702–885–5700
West USDA Region
School Lunch Program
State Department of Education
Heroes Memorial Building, Room 208
Carson City, Nevada 89701

Mr. George Bussell
603–271–2140
School Lunch Program
State Department of Education
State House
Concord, New Hampshire 03301

Mrs. Miriam E. Hughes
609–292–8527
Coordinator of Food Services
Federal Assistance Program
Office of Educational Field Services
State Department of Education
225 West State Street
Trenton, New Jersey 08625

Mrs. Gretchen Plagge, Director
505–827–2591
School Lunch Division
State Department of Education
Capitol Building
Santa Fe, New Mexico 87501

Mr. Richard O. Reid
518–474–2121
Mr. Thomas Calvin
518–474–1566
Assistant for Federally Aided Programs
Division of Educational Finance
State Department of Education
194 Washington Avenue
Albany, New York 12224

Mr. Ralph W. Eaton, Director
919–829–7162
School Food Services
State Department of Public Instruction
P.O. Box 1219, Cameron Village
Raleigh, North Carolina 27605

Mrs. Roberta Bosch
701–224–2294
School Lunch Program
West Region USDA
State Department of
State Capitol Building
Bismark, North Dakota 58501

Mr. Wade D. Bash, Chief
614–466–2945
School Lunch Program
State Department of Education
751 Northwest Boulevard
Columbus, Ohio 43212

Mr. Chester Coulter, Director
School Lunch Division
405–521–3327
Oliver Hodge
Memorial Education Building Room 340
2600 Lincoln Boulevard
Oklahoma City, Oklahoma 73105

Mr. Lyle N. Riggs, Supervisor
503–378–3579
School Lunch Program
West Region USDA
Oregon Board of Education
Room 324, Public Service Building
Salem, Oregon 97310

Ronald Carriere
504–389–6998
School Food Services
State Department of Education
P.O. Box 44064
State Capitol, 20th Floor
Baton Rouge, Louisiana 70804

Miss Gertrude Griney, Director
207–289–2371
School Lunch Program
State Department of Education
State House
Augusta, Maine 04330

Ms. Ruthetta L. Gilgash
School Lunch Program
301–796–8300
State Department of Education
State Office Building
301 West Preston Street
Baltimore, Maryland 21201

Mr. John C. Stalker, Director
Office of School Lunch Programs
617–727–5764
State Department of Education
182 Tremont Street
Boston, Massachusetts 02111

Mr. James L. Borough, Supervisor
School Lunch Section
517–373–3347
School Management Services
State Department of Education
1020 South Washington Avenue
Lansing, Michigan 48902

Mr. C. E. Holt, Director
612–296–6104
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State Centennial Building, 4th Floor
St. Paul, Minnesota 55101

Mr. John H. Walker, State Supervisor
601–354–6916
School Lunch Program
State Department of Education
P.O. Box 771
Woolfolk State Building, Room 306
Jackson, Mississippi 39205

Mr. Wilbert Grannemann
314–751–3526
School Lunch Section
State Department of Education
Jefferson Building
P.O. Box 480
Jefferson City, Missouri 65102

Mr. Brisbin Skiles
406–449–2501
School Lunch Program
State Department of Public Instruction
805 North Main Street
Helena, Montana 59601

Mr. Allen A. Elliott, Director
402–471–2254
Midwest Regional Office USDA
School Food Services
State Department of Education
411 South 13th Street, 2nd Floor
Lincoln, Nebraska 68508

Mr. Kenneth Reinhard, Jr., Chief
717–787–1425
School Lunch and Nutrition
Department of Public Instruction
Box 911, Blackstone Building, Room 200
112 Market Street
Harrisburg, Pennsylvania 17126

Ms. Mary Bianco, Director
School Lunchrooms Division
Department of Education
809–764–1100
P.O. Box 1229
Hato Rey, Puerto Rico 00919

Mrs. Maureen O'Connell, Acting Chief
School Lunch Services
State Department of Education
Roger Williams Building
Hayes Street
Providence, Rhode Island 02908

Miss Kathleen Gaston, State Supervisor
803–758–2346
Southeast Regional Office
School Lunch Program
State Department of Education
916 Rutledge Building
Columbia, South Carolina 29201

Mr. Paul M. Marschalk, Director
605–224–3414
Division of Educational Food Services
State Department of Public Instruction
State Capitol Building
Pierre, South Dakota 57501

Mr. Lawrence Bartlett, Director
Southeast Regional Office
615–741–2927
School Lunch Program
State Department of Education
C3–303–Cordell Hull Building
Nashville, Tennessee 37219

Mr. Cole, Chief Consultant
512–475–4363
West Central Office
School Lunch Program
Texas Education Agency
Capitol Station
Austin, Texas 78711

Miss Hattie Baker
School Lunch Director
c/o Office of the High Commissioner
Trust Territory of the Pacific Islands
Saipan, Mariana Island 96950

Mr. Cluff Snow
801–328–5471
Division of School Food Services
1400 University Club Building
136 East South Temple
Salt Lake City, Utah 84111

Mr. Edward Ryan, Chief
Educational Field Services
802–838–3145
State Department of Education
State Office Building
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804–776–2604
School Lunch Program
State Department of Education
9th Street Office Building
Richmond, Virginia 23216

Mr. Lionel Hilaire
Supervisor, School Lunch Office
Department of Education
Charlotte Amalie
St. Thomas, Virgin Islands 00801

Mr. John L. Stevens, Supervisor
School Lunch Office
Department of Education
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St. Croix, Virgin Islands 00820

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206–753–6706
Food Services
West USDA
State Department of Public Instruction
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304–348–6800
State Director of School Lunch
State Department of Education
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Charleston, West Virginia 25305

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Mid-West Regional Office
608–226–3509
School Food Service Program
State Department of Public Instruction
126 Langdon Street, 5th Floor
Madison Wisconsin 53703

Mr. Sidney Werner, Acting Director
307–777–7293
School Lunch Program
State Department of Education
State Capitol Building
Cheyenne, Wyoming 82001

APPENDIX F.—SUMMER YOUTH RECREATION PROGRAM PRIME SPONSORS

REGION I

Mr. Frank D. Santaguida
Commissioner
State of Connecticut Labor Department
Attn: Mrs. Olive Sheehan
Director of Manpower Planning
200 Folly Brook Boulevard
Wethersfield Connecticut 06109

Honorable John C. Mandanici
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Bridgeport, Connecticut 06604

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Mayor of Stamford
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Mayor of Waterbury
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Waterbury, Connecticut 06702

Mr. Arthur Charles
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Portland, Maine 04112

Honorable James B. Longley
Governor, State of Maine
Augusta, Maine 04330

Mr. Raynor Crusman
Chairman
Penobscot County Commissioners
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Bangor, Maine 04401

Honorable John A. Markey
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City Hall
New Bedford, Massachusetts 02740

Honorable William C. Sullivan
Mayor of Springfield
City Hall
Springfield, Massachusetts 01103

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Secretary of Economic Affairs
Executive Office of Economic Affairs
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Boston, Massachusetts 02201

Honorable David E. Crosby
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Brockton, Massachusetts 02401

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts 02139

Mr. William Taupier
City Manager
City Hall
Lowell, Massachusetts 01853

Honorable Meldrim Thomson, Jr.
Governor of New Hampshire
State House
Concord, New Hampshire 03301

Mr. Armand A. Beaulieu
Chairman
Hillsborough County Commissioners
Hillsborough County Courthouse
300 Chestnut Street
Manchester, New Hampshire 03101

Mr. John C. Driscoll
Commissioner
Rockingham-Strafford Counties
C/o Rockingham-Stafford Manpower Administration
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Epping, New Hampshire 03042

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Mayor of Providence
City Hall
Providence, Rhode Island 02903

Honorable Philip W. Noel
Governor of Rhode Island
State House
Providence, Rhode Island 02903

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Governor of Vermont
Pavilion Office Building
Montpelier, Vermont 05602

REGION II

Mr. Ernest A. Buhr
Director
Board of Chosen Freeholders
Ocean County
Courthouse
Toms River, New Jersey 08753

Mr. Edward G. O'Byrne
Board of Chosen Freeholders
Passaic County Administration Building
317 Pennsylvania Avenue
Paterson, New Jersey 07505

Honorable Lawrence F. Kramer
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City Hall
Paterson, New Jersey 07501

Mrs. Doris Dealaman
Board of Chosen Freeholders
Somerset County
Administration Building
Somerville, New Jersey 08876

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Mayor of Trenton
City Hall
East State Street
Trenton, New Jersey 08608

Mr. George Albanese
County Executive
Union County
Elizabeth, New Jersey 07201

Mr. James Sparano
Title II & VI
City Hall
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Mayor of Jersey City
City Hall
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Jersey City, New Jersey

Mr. Arthur R. Sypek
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Administration Building
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Trenton, New Jersey 08607

New Brunswick, New Jersey 08901
Middlesex County
Board of Chosen Freeholders
County Administration Building
Mr. Peter Daly Campbell

Mr. Philip Gumbs

Director
Board of Chosen Freeholders
Monmouth County
Hall of Records
Freehold, New Jersey 07728

Mrs. Leanna Brown
Board of Chosen Freeholders
Morris County
County Administration Building
Morristown, New Jersey 07960

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Mayor of Newark
City Hall
Newark, New Jersey 07102

Mr. Jeremiah O'Connor
Board of Chosen Freeholders
Bergen County
Administration Building
Hackensack, New Jersey 07601

Mr. Louis Katz
Board of Chosen Freeholders
Camden County
Courthouse
Camden, New Jersey 08101

Mr. John B. Rose
Board of Chosen Freeholders
County of Cumberland
County Courthouse
Broad and Fayette Street
Bridgeton, New Jersey 08302

Honorable Thomas A. Dunn
Mayor
City of Elizabeth
City Hall
60 W. Scott Place
Elizabeth, New Jersey 07201

Mr. Harry McEnroe, Jr.
Board of Chosen Freeholders
Essex County
Hall of Records
Newark, New Jersey 07102

Mr. Donald H. Wagner
Director
Board of Chosen Freeholders
Gloucester County
Freeholders Building
Woodbury, New Jersey 08096

Mr. Edward Clark
County Executive
Hudson County Administration Building
595 Newark Avenue
Jersey City, New Jersey 07306

Dr. Harold L. Colburn
Board of Chosen Freeholders
Burlington County
County Office Building
Mt. Holly, New Jersey 08060

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State House
Trenton, New Jersey 08603

Mr. Charles Worthington
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727 Guarantee Trust Building
Atlantic City, New Jersey 08401

Honorable Angel J. Errichetti
Mayor of Camden
City Hall
Camden, New Jersey 08103

Honorable Angelo R. Martinelli
Mayor of Yonkers
City Hall
Yonkers, New York 10701

Honorable Hugh J. Carey
Governor of New York
Albany, New York 12224

Honorable Erasmus Corning, II
Mayor of Albany
City Hall
Albany, New York 12207

Honorable Stanley M. Makowski
Mayor of Buffalo
City Hall
58 Niagara Square
Buffalo, New York 14202

Mr. Edwin Crawford
Broome County Executive
Broome County Office Building
Government Plaza
Binghamton, New York 13901

Mr. Joseph Gerace
Chairman
Chautauqua County Legislature
Chautauqua County
County Office Building
Mayville, New York 14757

Dr. Morris E. Blostein
County Executive
Chemung County
203–205 Lake Street
Elmira, New York 14901

Mr. Edward C. Schueler
Dutchess County Executive
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22 Market Street
Poughkeepsie, New York 12601

Mr. Edward V. Regan
Erie County Executive
95 Franklin Street
Buffalo, New York 14202

Mr. Ralph G. Caso
Nassau County Executive
Nassau County Executive Building
1 West Street
Mineola, New York 11501

Honorable Abraham Beame
Mayor of New York City
City Hall
New York, New York 10003

Russell Service
Deputy County Executive
County Executive Building
1 West Street
Mineola, New York 11501

Mr. Kenneth K. Comerford
County Executive
Niagara County Legislature
Niagara County Court House
Lockport, New York 14094

Mr. William Bryant
Oneida County Executive
800 Park Avenue
Utica, New York 13502

Mr. John H. Mulroy
Onondaga County Executive
600 South State Street
Syracuse, New York 13202

Mr. Louis V. Mills
Orange County Executive
Orange County Government Center
255–275 Main Street
Goshen, New York 10924

Mr. Arthur Ospelt
Oswego County Legislature
County Building
Oswego, New York 13126

Mr. William J. Murphy
County Executive
Rensselaer County Court House
Troy, New York 12180

Mr. Elishia Freeman
City Hall
30 Broad Street
Rochester, New York 14614

Mr. Lucien A. Morin
Monroe County Manager
County of Monroe
39 Main Street
West Rochester, New York 14614

Mr. Bernard R. Fallon
Chairman of the Legislature
Rockland County
11 New Hempstead Road
New York City, New York 10956

Mr. David Meager
Saratoga County Board of Supervisors
40 McMaster Street
Ballston Spa, New York 12020

Mr. Carl F. Sanford
County Manager
Schenectady County Office Building
620 State Street
Schenectady, New York 12305

Mr. Alan Rishe
Chairman
St. Lawrence Board of Legislators (Manpower Dept.)
Court House Building
Canton, New York 13617

Mr. John V. N. Klein
Suffolk County Executive
Veterans Memorial Highway
Hauppauge, New York 11787

Mr. Howard M. Clark
Chairman
Steuben County
21 E. Morris Street
Bath, New York 14810

Honorable Lee Alexander
Mayor of Syracuse
City Hall
217 City Hall
Syracuse, New York 13202

Mr. Peter J. Savago
Legislature Chairman
Ulster County
County Office Building
Kingston, New York 12401

Mr. Alfred Del Bello
Westchester County Executive
County Office Building
White Plains, New York 10601

Honorable Rafael Hernandez Colon
Governor of Puerto Rico
San Juan, Puerto Rico 00901

Mr. Lcda Aida Martinez Schettini
Administrator
Right to Employment Administration
Avenida Ramon B. Lopez
Esq Lealtad
Rio Piedras, Puerto Rico
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San Juan, Puerto Rico 00936

Honorable Manuel Aponte Borrero
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Mr. John T. Saylor
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Johnson County Courthouse
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Costal Bend Manpower Consortium Executive Board
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Judge, Hidalgo County
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Austin, Texas 78711

Honorable Ray Holbrook
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201 County Courthouse
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Family Law Center
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Wichita County Courthouse
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City Hall
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Honorable Hugh N. McCane
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Honorable Charles Schwendimann
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Bismarck, North Dakota 58505

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Mr. C. E. Dixon
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Courthouse, Main & Oakdale
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# CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Title 4—Accounts ---------- $3.20

Title 9—Animals and Animal Products ---------- 6.80

Title 10—Energy (Parts 0–199) ---------- 4.60

*[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]*

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