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Title 7—Agriculture

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

[Navel Orange Regulation 362]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 16–22, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.662 Navel Orange Regulation 362.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges shows considerable weakness. Prices f.o.b. averaged $3.98 a carton on a reported sales volume of 855 carlots last week, compared with an average f.o.b. price $4.09 per carton and sales of 494 carlots a week earlier. Track and rolling supplies at 341 cars were up 12 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section 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 section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were accorded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 13, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 16, 1976, through January 22, 1976, are hereby fixed as follows:

(i) District 1: 1,176,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 24,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 14, 1976.

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

[FR Doc.76-1459 Filed 1-14-76;8:45 am]

Title 9—Animal and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 381—POULTRY PRODUCTS INSPECTION SERVICE

Labeling Restrictions Relieved for Certain Meat and Poultry Products

● **Purpose: The purpose of this docket is to relieve certain labels from compliance with provisions of sections 317.8(b)(34) and 381.129(b)(5) of the meat and poultry regulations until July 1, 1976.** ●

Sections 317.8(b)(34) and 381.129(b)(5) of the regulations restrict use of the terms "All," "Pure," "100%," and similar terms to products consisting solely of a single ingredient. The effective date of these regulations is December 31, 1975. It has been brought to the attention of this agency that circumstances during the past year have been such that there is sufficient cause to extend the effective date which is in the public interest and which applies to certain labels.

Since publication of the final regulation on December 5, 1974 (39 FR 42339), there has been a severe shortage of pork with attendant price increases in pork and pork products, which has resulted in unanticipated reductions in packaging certain products such as sausage and lard. As a result, there are substantial unused inventories of labels which use these terms in product names such as "Pure Pork Sausage" and "Pure Lard."

Because of unanticipated market changes resulting in unexpected reductions in usage rate; because of the cost in modifying or destroying such labels; and because there is no hazard involved, it has been determined that the public interest will be served if the effective date of this regulation is delayed for all labels bearing these terms which were

purchased prior to January 1, 1975. Therefore, such labels may be used until July 1, 1976 without modification. All labeling purchased after January 1, 1975, must comply with the above-cited regulations by December 31, 1975.

Done at Washington, D.C., on January 12, 1976.

H. C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-1353 Filed 1-4-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 213—OIL IMPORT REGULATIONS

Amendments To Conform Oil Import Regulations to Presidential Proclamation No. 4412

On January 3, 1976, the President issued Proclamation No. 4412 (41 FR 1037, January 6, 1976) amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program. The purpose of the new Proclamation is to eliminate, effective December 22, 1975, the $2.00 supplemental fee imposed by Proclamation No. 4341 (40 FR 3965, January 27, 1975) on all crude oil, unfinished oils, and finished products imported into the United States. The original fees, however, of $0.21 on crude oil and $0.63 on unfinished oils and finished products, are retained. In view of this amendment to Proclamation No. 3279, the Federal Energy Administration (FEA), which administers the Mandatory Oil Import Program, hereby amends its regulations, effective December 22, 1975, in Parts 205 and 213 of Chapter II, Title 10 of the Code of Federal Regulations, in order to implement the modifications in the Program introduced by the new Proclamation.

Under the amended Proclamation, imports of crude oil made on or after December 22, 1975, are not subject to the $2.00 supplemental fee. However, with respect to imports made on or before December 21, 1975, all supplemental fees payable under the Proclamation as in effect on that date shall remain payable.

In addition to removing the supplemental fee, the Proclamation also provides that the base fees shall be reduced, in such manner as may be provided by the Administrator, by an amount equal to any applicable duties. The purpose of this provision is to allow FEA greater flexibility than is presently available to coordinate collection of the fee with collection of customs duties.

Finally, the Proclamation provides that the Administrator of FEA may make allocations to which license fees are not applicable, with respect to petroleum imported from Canada in exchange for domestic petroleum exported to Canada. The purpose of this provision is to facilitate the availability of petroleum supplies to United States consumers, in light of the additional burdens expected to affect some consumers as a result of Canada's recent announced intention to limit the amount of petroleum which may be exported to this country (40 FR 54587, November 25, 1975 and 40 FR 17783, April 22, 1975).

To implement the Proclamation, FEA is revising various sections of its regulations to reflect the removal of the $2.00 supplemental fee effective December 22, 1975.

Section 205.50 has been amended to provide that fee-exempt allocations issued on the basis of hardship by the Office of Exceptions and Appeals, shall not be subject to payment of the supplemental fee. Likewise, fee-exempt allocations issued by the Director of Oil Imports shall, effective December 22, 1975, cease to be subject to that fee. In addition, § 213.22(d) has been amended to provide that persons purchasing fee-exempt licenses shall not be liable for payment of the supplemental fee with respect to imports made after December 21.

Section 213.35 has been revised to eliminate the schedule of supplemental fees in paragraph (d), so that all imports which are not specifically fee-exempt shall, effective December 22, be subject only to the fees specified in § 213.35(c). These remain at $0.21 per barrel on crude oil and natural gas products, and $0.63 per barrel on unfinished oils and finished products. It should be noted, however, that § 213.35(d) has been amended to provide that with respect to imports made on or before December 21, 1975, all supplemental fees payable under Part 213 as in effect on that date shall be payable.

In view of the removal of the supplemental fee, bonding requirements have also been amended. Effective December 22, 1975, bonds need only cover the outstanding base fee liability. Section 213.35(a)(4) has been amended to provide that any bond against which a license was issued prior to that date, may be reduced or terminated upon certification by the licensee that all supplemental fee liability has been satisfied. This eliminates any need for license holders to return unused or partially used licenses which were issued pursuant to said bonds in order to satisfy the bond liability. It also eliminates the need for the Director to issue new licenses to replace such returned licenses.

Paragraph (e) of § 213.35, providing for refunds and reductions, has been revised to make all such refunds and reductions applicable only with respect to the $0.21 and $0.63 fees. However, § 213.35 now provides that with respect to imports made on or before December 21, 1975, all refunds from and reductions in fees and supplemental fees provided under Part 213, shall be made in accordance with Part 213 as in effect on that date. All overpayments with respect to imports made after the effective date of these amended regulations shall be refunded as soon as practicable.

Two provisions of the new Proclamation are not implemented by these regulations. Unlike the conforming changes necessitated by the removal of the $2.00 supplemental fee, these provisions can be implemented through proposed rulemakings.

First, FEA is presently studying the provision which authorizes the Administrator to reduce fees, in such manner as he may prescribe, by an amount equal to any applicable duties. The present method of reducing fees by the amount of applicable duties paid, shall remain in effect until a proposal to implement this provision is adopted.

Second, procedures for implementing the provision authorizing the Administrator to reduce or refund fees where domestic petroleum is exchanged for Canadian petroleum, are also being studied. FEA expects to issue a proposal implementing this provision in the very near future.

Under section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (FEAA), opportunity to comment prior to the promulgation of a rule, regulation or order is protected except where requirements for opportunity to comment are waived by FEA upon a finding that strict compliance with those requirements would cause serious harm or injury to the public health, safety, or welfare. In addition, section 7(i)(1)(C) of the FEAA guarantees an opportunity for oral presentation of views in all cases in which the rule, regulation or order concerned is likely to have a substantial impact on the national economy or on large numbers of individuals or businesses. To the maximum extent practicable, opportunity for oral presentation of views must be afforded under section 7(i)(1)(C) prior to issuance of the rule, regulation or order, but in all cases that opportunity must be afforded no later than 45 days after the issuance thereof.

The FEA hereby waives the requirements of section 7(i)(1)(B) of the FEAA for opportunity to comment prior to the issuance of the regulation amendments adopted today. The FEA also waives hereby the requirements of section 7(i)(1)(C) with respect to prior hearing.

The waiver of the requirements of section 7(i)(1)(B) and (C) of the FEAA is based upon the finding that since failure to implement these regulations immediately could result in serious injury to importers, the foregoing amendments must be made effective at once. The new Proclamation removed the supplemental fee, without discretion in the Administrator, effective December 22, 1975. Thus, if FEA failed to revise its regulations immediately, they would be in conflict with the Proclamation while of no force and effect, and uncertainty as to the actual fees payable could result. This would seriously disrupt the issuance of new licenses, both with regard to the amount of bond required and the amount that must be tendered for prepayment. It could also result in added costs to holders of outstanding licenses, who maintained bonds above their base fee liability during the

pendency of any proposal. In order to avoid these hardships, and since FEA's discretion with respect to the removal of the supplemental fee is clearly limited by the Proclamation, these amendments are effective immediately retroactive to December 22, 1975.

The review provisions of Section 7(c)(2) of the Federal Energy Administration Act of 1974 which provide for submission of proposed rules for comment by the Administrator of the Environmental Protection Agency (EPA) are also hereby waived for a period of 14 days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. The basis of this finding is set forth above. However, these regulations were sent to EPA concurrently with their issuance.

FEA will accept written comment with respect to these amendments if received prior to January 30, 1976, and will hold a public hearing thereon as indicated below. Interested persons are invited to submit data, views or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box FK, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Conforming Regulations to Proclamation No. 4412". Fifteen copies should be submitted. All comments received by Friday, January 30, 1976, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by the Federal Energy Administration.

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

Public hearings with respect to these amendments, will be held beginning at 9:30 a.m., e.s.t., on February 5, 1976, in Room 2105, 2000 M Street NW., Washington, D.C., and will be continued, if necessary, on February 6 at the same location. Any person who has an interest in these changes, or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., January 27, 1976. Such a request may be hand delivered to Room 3309, The Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through February 4, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., January 29, 1976, and must submit 100 copies of his statements to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., February 3, 1976.

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

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings; and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.s.t., February 3, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue NW., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

This proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

[Federal Energy Administration Act of 1974, Pub. L. 93275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87794, as amended; Proclamation No. 3279, as amended.]

In consideration of the foregoing, Parts 205 and 213 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below effective December 22, 1975.

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

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

1. Section 205.50 is amended in paragraph (a)(2)(iii) to read as follows:

§ 205.50 Purpose and scope.

(a) * * *

(2) * * *

(ii) Licenses issued pursuant to allocations made under this subparagraph shall be exempt from license fees prescribed in paragraph (c) of § 213.35 of this chapter.

* * * * *

§§ 213.9–213—213.13; 213.15–213.16 and 213.20–213.21 [Amended]

2. Section 213.9 is amended in paragraphs (a) and (b), Section 213.10 is amended in paragraph (b); Section 213.11 is amended in subparagraphs (1) and (2) of paragraph (f); Section 213.12 is amended in paragraphs (a) and (b); Section 213.13 is amended in paragraph (b); Section 213.15 is amended in paragraphs (a), (b), and (d); Section 213.16 is amended in paragraph (a); Section 213.20 is amended in subparagraphs (1) and (2) of paragraph (a); and Section 213.21 is amended in subparagraphs (1) and (2) of paragraph (a), and in subparagraphs (1) and (2) of paragraph (b), by deleting the words "but subject to supplemental fee" wherever they may appear.

3. Section 213.22 is amended in paragraph (d) to read as follows:

§ 213.22 Use of imported crude oil and unfinished oils.

* * * * *

(d) Subject to paragraph (a) of this section, persons to whom allocations are made under §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.29, or 213.30, or persons who own or operate an independent refinery, a petrochemical plant or petrochemical capacity, to whom allocations are made under Section 5 of Proclamaiton No. 3279, as amended, may, upon approval by the Director of an application for this purpose, sell the licenses issued pursuant thereto to a person who owns or operates a refinery, petrochemical plant, or petrochemical capacity for his use. Application for sale may be made before or after issuance of a license. Where an application is made for the sale of a license which has previously been issued, such license shall be returned to the Director with the application. Applications for sale shall be signed by both parties to the transaction and shall be subject to the provisions of Section 1001 of Title 18 of the United States Code. Each party shall certify through an appropriate person that the application was duly signed for and in behalf of said party, and by a person within whose scope of authority it is to transact such a sale. The parties to the sale shall be solely responsible for determining the sale price of the licenses in question and for settling the costs thereof.

4. Section 213.27 is amended in paragraph (u) to read as follows:

§ 213.27 Definitions.

* * * * *

(u) "Supplemental fee" means the fee imposed by Section 3(a)(1)(iii) of Proclamation No. 4341, effective February 1, 1975, and eliminated by Proclamation No. 4412, effective December 22, 1975.

§§ 213.28, 213.29, 213.30, 213.32, 213.33 and 213.34 [Amended]

5. Section 213.28 is amended in subparagraph (1) of paragraph (d); Section 213.29 is amended in subparagraph (1) of paragraph (a); Section 213.30 is amended in subparagraph (1) of paragraph (a); Section 213.32 is amended in paragraphs (a) and (b); Section 213.33 is amended in subparagraph (1) of paragraph (d); and Section 213.34 is amended in paragraph (e), by deleting the words "but subject to supplemental fee" wherever they may appear.

6. Section 213.35 is revised to read as follows:

§ 213.35 Allocations of Fee-Paid Licenses for Imports of Crude Oil, Unfinished Oils, and Finished Products.

(a)(1) Any person wishing to import crude oil, unfinished oils, or finished products into the customs territory of the United States, may do so by filing an application with the Director in such form as the Director may prescribe.

(2) Allocations and licenses under this section shall, to the fullest practicable extent, be made and issued by the Director within ten (10) days after his receipt of application therefor.

(3) Allocations and licenses under this section shall be subject to the fee prescribed in paragraph (c) of this section.

(4)(i) Applications for allocations and licenses under this section shall be accompanied by the applicant's certified check or a cashier's check payable to the order of the Treasurer of the United States in the amount chargeable pursuant to paragraph (c) of this section, or by a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to paragraph (c) of this section, conditioned upon payment of such amount to the Treasurer of the United States by the date specified in pargaraph (c) of this section. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Director shall revoke all licenses issued pursuant to the bond as provided in Subpart T of Part 205 of this chapter. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account established by FEA for that purpose.

(ii) Any bond against which a license was issued on or before December 21, 1975, may be reduced or terminated upon certification by the licensee to the Director that all supplemental fee liability with respect to imports made on or before December 21, 1975, has been satisfied. Such certification shall be subject to the provisions of 18 U.S.C. 1001.

(5) Separate licenses shall be issued for rude oil, natural gas products, and for all finished products and other unfinished oils.

(6) Allocations made and licenses issued for imports of crude oil, unfinished oils or finished products under this section shall be valid for one (1) year following the date of their issuance. A license shall be considered to be issued for purposes of this Part on the date the license is signed by the Director.

(7) License fees payable for imports of finished products or unfinished oils, manufactured in American Samoa, Guam or the Virgin Islands or in a foreign trade zone and transported to the customs territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such finished product or unfinished oil was manufactured: *Provided,* That, such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Director that he made a good faith attempt to arrange shipment by vessel under United States registry and that no other vessel was available at reasonable rates for the purpose at the time this shipment was made.

(8) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate Customs Office at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; *Provided,* That the importer certifies as to the volume of natural gas products contained.

(9) An importer of record who holds a license not issued upon prepayment, may reduce the payments made pursuant to paragraph (c) of this section on a monthly basis, by sums equal to the sums collected by way of net duties paid to the United States Customs Service, less any duty drawbacks of tariffs paid on imports made on or after February 1, 1975 received during the same period, *Provided,* That said importer certifies the amount of net duties paid and drawback received during that period. Where the duty drawback exceeds the net duty paid during that period, the net difference shall be applied to subsequent periods, *Provided,* That when the duty less drawback exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months.

(b)(1) In the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a fee has been paid should in fact have been assessed a higher license fee, the importer must within thirty (30) days after notification by the District Director of Customs that a higher license fee is applicable, remit the proper payment to the Director, Oil Imports, by certified check or a cashier's check payable to the Treasurer of the United States in the sum of the additional amount due.

(2) In the event an importer fails to comply with the terms set forth in this section for the payment of fees, the Director shall not entertain any further applications from said importer for additional licenses until the amounts due are collected.

(3) In the event the volume of a particular shipment of crude oil, unfinished oils, or finished products being imported pursuant to a license to which a fee is applicable exceeds the volume stated on the license against which the material is being imported by five (5) percent or less the District Director of Customs may permit the entry of the excess without license. The importer, however, must within ten (10) days of such entry remit payment to the Director by certified check or a cashier's check payable to the order of the Treasurer of the United States for the fee due pursuant to this section on the excess entered without license at the rate in effect at the time of import.

(c)(1) Licenses issued pursuant to allocations of crude oil, unfinished oils, or finished products pursuant to Section 3(a)(1)(i)–(ii) of Proclamation No. 3279, as amended, shall be in accordance with the following schedule:

	Fee, $/Barrel
Crude Oil	0.21
Natural Gas Products	0.21
All other finished products and unfinished oils including crude oil to be burned directly as fuel (except ethane, propane, butanes, and asphalt)	0.63

(2) With respect to licenses issued against a surety bond pursuant to this paragraph, fees shall be paid no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first.

(3) With respect to imports made on or before December 21, 1975, all supplemental fees payable under this Part as in effect on December 21, 1975, shall be payable in accordance with this Part as in effect on that date.

(d)(1) Applications for refund under this paragraph shall be filed in such form as the Director may prescribe.

(2) Upon application by the importer of record, the Director may reduce or refund fees prescribed pursuant to paragraph (c):

(i) In the case of licenses issued upon prepayment, for payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of

net duties paid to the United States Customs Service, less any drawbacks of tariffs paid on imports made on or after February 1, 1975 received during the same period, provided, that said importer certifies the amount of net duties paid and drawback received during that period. Where the duty drawback exceeds the net duty paid during that period, the net difference shall be applied to subsequent periods, provided, that when the duty less drawback exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months;

(ii) Where the licensee failed to use, wholly or in part, the license issued to him;

(iii) To the extent that they reflect volume adjustments made subsequent to entries made against the license at the time of importation, e.g., corrections made by the Customs Service of contained basic sediment and water; corrections of mistakes made in calculating tank volumes; or corrections of mistakes made in calculating volumes to standard temperature;

(iv) Where the District Director of Customs determines, after entry, that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which fees have been paid, should have been assessed at a lower fee;

(v) To the extent that imports of crude oil or unfinished oils have been incorporated into petrochemicals as defined in § 213.10 which are subsequently exported, or refined into finished products subseqeuntly exported. No petrochemical exports earning a refund of license fee may earn an allocation pursuant to § 213.10;

(vi) Where refunds of license fees, whether wholly or in part, were ordered by the former Oil Import Appeals Board or by the Office of Exception and Appeals;

(vii) Where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt; and

(viii) For payment in accordance with paragraph (e) of this section.

(3) Applications for refund under this paragraph (d) shall, insofar as practicable, be processed by the Director and presented to the Treasury for payment, within ten (10) days of their receipt.

(4) No refunds under this paragraph (d) to an allocation holder shall exceed the fees and supplemental fees paid by such allocation holder.

(5) With respect to imports made on or before December 21, 1975, all refunds from and reductions in fees and supplemental fees provided under this Part, shall be made in accordance with this Part as in effect on that date.

(e) (1) On a monthly basis, the Director shall, in accordance with this paragraph (e) of this section, with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico (or imported into Districts I–V and shipped to Puerto Rico with or without further processing) and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, make reductions in and refunds from fees by the amount of any excise tax or other levy imposed subsequent to December 21, 1975 and collected by the Government of Puerto Rico on such materials, provided that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraph (c) of this section.

(2) For the purpose of obtaining refunds or reductions under this paragraph, the importer of record shall furnish the Director for the particular month the following documents:

(i) Copies of customs entry documents 7501 or 7505, as appropriate, where crude oil unfinished oils, or finished products were imported into Puerto Rico;

(ii) Copies of any bills of lading or other documents filed with the Commonwealth of Puerto Rico relating to shipments of crude oil, unfinished oils, or finished products from Districts I–V to Puerto Rico and from Puerto Rico to Districts I–V; and

(iii) Certified copies of documents prepared for the Government of Puerto Rico containing computations of the volumes of material subject to a tax or other levy in effect after December 21, 1975 on crude oil, unfinished oils, or finished products not shipped to Districts I–V, and calculations based thereon of the amounts owing to Puerto Rico for payment of said tax or other levy, *Provided*, That such computations and calculations shall be subject to adjustment based on a determination of their accuracy by the Federal Energy Administration and the Government of Puerto Rico.

(3) In the case of licenses issued pursuant to a bond, the importer shall pay to the Director, with respect to the following to the extent applicable:

(i) Fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and not shipped into Districts I–V, less the tax or other levy per barrel (up to the amount of the applicable fee net of any reductions pursuant to subparagraph (1) of paragraph (a) of Section 3 of Proclamation No. 3279, as amended) on those volumes paid to Puerto Rico; and

(ii) Fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Districts I–V and shipped to Puerto Rico, with or without further processing, less the tax or other levy per barrel on those volumes paid to Puerto Rico; and

(iii) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported.

(4) Upon receipt of the documents specified in paragraph (e) (2) of this section, the Director shall, with respect to licenses issued by prepayment of the fees prescribed in paragraphs (c) of this section, refund to the importer of record such fees on the following crude oil, unfinished oils and finished products:

(i) Imports into Puerto Rico, plus

(ii) Imports into Districts I–V which are shipped to Puerto Rico, less

(iii) Shipments to Districts I–V from Puerto Rico.

(5) Crude oil, unfinished oil, and finished products shipped to Puerto Rico from Districts IV, shall be deemed to be crude oil imported into Districts I–V or to have been processed from such imported crude oil to the extent that the refiner shipping such products has imported into Districts I–V crude oil in equivalent or greater volumes.

(6) The fee payable pursuant to paragraph (e) (3) of this section for the month in question shall be that attributable to the feedstock which was processed or further processed in Puerto Rico. In the event that material which could have been derived from different feedstocks having different fees is shipped into Districts I–V from Puerto Rico, the material will be deemed, to the extent possible, to have been derived from the feedstock having the lowest fee. Any excess will be deemed to have been derived from the feedstock having the next lowest fee. To the extent that material is shipped from Puerto Rico into Districts I–V in excess of the amount that could have been derived from crude oil or unfinished oils, such shipments will be considered to be transshipments of that material without further processing, and the fee applicable to that material shall apply.

(7) In the event that an importer of material into Puerto Rico sells crude oil, unfinished oils, or finished products to another person in Puerto Rico, the importer shall ascertain whether the material sold will be shipped into Districts I–V. Where such material will be shipped into Districts I–V, the importer of the materials into Puerto Rico shall be liable for the fees imposed pursuant to subparagraph (3) of this paragraph on the materials introduced into Puerto Rico and shipped into Districts I–V.

§§ 213.36, 213.37 and 213.38 [Amended]

7. Section 213.36 is amended in subparagraph (1) of paragraph (c); Section 213.37 is amended in paragraph (c); and Section 213.38 is amended in paragraph (c) by deleting the words "but subject to supplemental fee" wherever they may appear.

[FR Doc.76–1229 Filed 1–12–76;4:07 pm]

Title 36—Parks, Forests, and Memorials

CHAPTER VII—LIBRARY OF CONGRESS

[Reg. No. 1917–3]

PART 703—AVAILABILITY OF LIBRARY OF CONGRESS RECORDS

Pursuant to the authority vested in the Librarian of Congress by 2 U.S.C. 136, a new regulation was adopted on October 31, 1975 which implements the policy of making the fullest possible disclosure of Library of Congress records consistent with the functions and duties of the Library and its responsibilities as an agency of the Congress. Although the adopted policy and this regulation reflect

the public information section of the Administrative Procedure Act (5 U.S.C. 552, et seq.) as amended, the application of that legislation to the Library of Congress is not to be inferred; nor should this regulation be considered as conferring on any member of the public a right under that Act of access to or information from the records of the Library.

Part 703 of Title 36 of the Code of Federal Regulations is issued in its entirety as follows; it became effective on October 31, 1975.

Sec.
703.1 Policy.
703.2 Records covered.
703.3 Exceptions.
703.4 Procedures for inspection and copying of records.
703.5 Public reading facility.
703.6 Fees.

AUTHORITY: 2 U.S.C. 136.

§ 703.1 Policy.

Subject to limitations set forth in this part, Library of Congress records are available as hereinafter provided and shall be furnished as promptly as possible within the Library to any member of the public at appropriate places and times and at an appropriate fee, if any. Although this policy reflects the public information section of the Administrative Procedure Act (5 U.S.C. 552, et seq.) as amended, the application of that legislation to the Library of Congress is not to be inferred; nor should this document be considered as conferring on any member of the public a right under that Act of access to or information from the records of the Library.

§ 703.2 Records covered.

As used herein, Library of Congress "records" include all books, papers, maps, photographs or other documentary materials exclusive of materials in the collections of the Library of Congress, regardless of physical form or characteristics, made or received by the Library of Congress in pursuance of Federal law or in connection with the transaction of public business, and preserved, or appropriate for preservation, by the Library as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. The term refers only to such items in being and in the possession or under the control of an office of the Library. It does not include records to be compiled or procured in the future, nor does the term include objects or articles, such as furniture, paintings, sculpture, three-dimension models, structures, vehicles, and equipment.

§ 703.3 Exemptions.

(a) The Library shall exempt from disclosure materials that are:

(1) Specifically authorized under criteria established by Executive Order to be withheld from public disclosure in the interest of national defense or foreign policy and are in fact properly classified pursuant to Executive Order 11652;

(2) Related solely to the internal personnel rules and practices of the Library;

(3) Specifically exempted from disclosure by statute;

(4) Related to copyrights except as provided by 17 U.S.C. 212 and 37 CFR 201.2;

(5) Privileged or confidential, in that they contain trade secrets and commercial or financial information obtained from any person; this exemption pertains to information which would not customarily be made public by the person from whom it was obtained by the Government. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Government in confidence or where the Government has obligated itself not to disclose information it received; formulae, designs, drawings, research data, and other records developed by or for the Government which are significant as items of valuable property.

(6) Contained in interagency or intra-agency communications, such as internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by staff or consultants; records of the deliberations of staff or committees on internal matters; and records whose premature disclosure would interfere with the achievement of the purpose for which they were being prepared;

(7) Gathered, prepared, or compiled specifically for the use of the Congress by the Congressional Research Service, the Law Library, or any other subdivision of the Library;

(8) Contained in personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;

(9) Contained in investigative records compiled for law enforcement or in files prepared in connection with Government litigation and adjudicative proceedings, except for those portions of such files which are available by law to persons in litigation with the Library;

(10) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; and

(11) Related to specific reader use of the collections, either in the Library or through lending service.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this section. A portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

§ 703.4 Procedures for inspection and copying of records.

(a) Requests to inspect or copy, or have copied, the Library's records shall be directed to the Chief, Central Services Division. Upon approval, requests for photocopying of records shall be referred to the Photoduplication Service and processed pursuant to the provisions of LCR 1014.

(b) Requests for records not available in the public reading facility (see § 703.6) shall be specific and shall identify the precise records or materials which are desired by name, date, number, or other identifying data sufficient to allow the Central Services Division staff to locate, retrieve, and prepare the record for inspection or copying and to delete exempted matter where appropriate. Blanket or generalized requests (such as "all matters relating to" a general subject) shall not be honored, and shall be returned to the requester.

(c) Records shall be available for inspection and copying in person during the usual business hours.

(d) Records in media other than print (e.g. microforms and machine media) shall be available for inspection in the medium in which they usually exist, and copies of records in machine media shall be made in media of the Library's selection.

(e) Every effort shall be made to respond to requests with reasonable dispatch. Use of a document by the Library or its staff shall be given precedence over any request. Under no circumstances shall records be removed from the Library's offices.

(f) The Chief of the Central Services Division shall make the initial determination on whether the record described in a request can be identified and located after a reasonable search and, if so, whether the record (or portions thereof) will be made available or will be withheld from disclosure under the provisions of this regulation. In so doing, the Chief shall consult with any division or office in the Library having a continuing substantial interest in the record requested. Where the Chief finds no valid objection or doubt as to the propriety of making the requested record available, the request shall be honored upon payment of the prescribed fees (see § 703.6).

(g) A member of the public who has requested a Library record and has been refused all or part of said record by the Chief, Central Services Division, may request reconsideration by the Chief. The request shall be in writing and include a copy of the initial request as well as the reasons why the requested record, or part thereof, should be made available.

(h) The Chief, Central Services Division, shall reconsider the request and shall grant it or re-affirm the denial with reasons for such. Re-affirmed denials shall be referred to the General Counsel.

(i) The General Counsel shall make the final determination on a request for reconsideration and shall notify the requester thereof, directly, and in writing.

(1) If the final determination reverses in whole or in part the initial determination, the record requested (or portions thereof) shall be made available to the requester.

(2) If the final determination sustains in whole or in part an initial determination, the notification of the final determination shall explain the basis on which the record (or portions thereof) will not be made available.

Such decision by the General Counsel shall be the final administrative review within the Library of Congress.

§ 703.5 Public reading facility.

(a) The Library shall maintain a reading facility for the public inspection and copying of Library regulations, opinions, statements of policy, and instructions (including staff manuals) which may be relied upon, used, or cited as authority or precedent in the determination of rights, privileges, and obligations of members of the public in dealing with the Library. This facility shall be open to the public from 8:30 a.m. to 4:30 p.m., except Saturdays, Sundays, and Holidays.

(b) The materials to be available in the public reading facility shall be selected by the General Counsel after consultation with the heads of divisions or offices which may be concerned.

(c) There shall be maintained in the reading facility for public use a current index of materials available in the reading facility.

§ 703.6 Fees.

(a) Fees charged by the Library for the search for and duplication of any records requested shall comply with the following fee schedule:

(1) *Search for records.* There shall be a fee of $5.00 per hour when the search is conducted by a clerical employee and $8.00 per hour when the search is conducted by a professional employee. There shall be no charge for searches of less than one hour. In situations involving the use of computers to locate and extract the requested information, charges shall be based on the direct cost to the Library, including labor, material, and computer time.

(2) *Duplication of records.* Records shall be duplicated in accordance with prevailing rates established by the Photoduplication Service and by the Information Systems Office in the case of machine media.

(3) *Other.* When no specific fee has been established for a service, the Assistant Director for Management Services, Administrative Department is authorized to establish an appropriate fee based on "direct costs" in accordance with the Office of Management and Budget Circular No. A–25.

(b) The Assistant Director for Management Services may determine, in connection with specific requests for records, that the public interest is best served by the provision of the requested records at no cost or at a cost below the above fee schedule and, in those specific instances, is authorized to waive the schedule, in whole or in part.

(c) Fees actually charged a person for the search and duplication of records shall be paid in full prior to issuance of those records. Payment of fees shall be made by a personal check, postal money order or bank draft made payable to the order of the Treasurer of the United States.

F. E. CROXTON,
Director,
Administrative Department.

[FR Doc.76–1211 Filed 1–14–76;8:45 am]

Title 40—Protection of Environment

[FRL 478–8]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Rhode Island Plan

On May 31, 1972, (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Rhode Island Implementation Plan for the attainment of national ambient air quality standards. Those portions setting forth procedures for source recordkeeping and reporting and public availability of emissions data were not approved because of inadequate legal authority. This publication contains amendments to a regulation promulgated by the Administrator to correct deficient portions of the Rhode Island Plan.

At the time the Rhode Island Plan was submitted to EPA, the Rhode Island Attorney General gave an opinion that the State Clean Air Act contained all of the legal authority required by 40 CFR § 51.11(a). However, EPA found that the State did not have adequate legal authority to adopt, implement, and enforce a source recordkeeping and reporting regulation. Accordingly, the Administrator determined that the requirements regarding source recordkeeping and reporting (40 CFR § 51.19(a)) were not met. On September 22, 1972, Federal regulations were promulgated at 40 CFR § 52.2073 and § 52.2075 to replace the deficient portions of the plan.

By letter dated September 5, 1973, Mr. Austin C. Daley, Chief Rhode Island Division of Air Pollution Control, submitted to EPA, the Rhode Island Division of Air Pollution Control Regulation 14, Source Recordkeeping and Reporting. On April 25, 1974, the Administrator announced in 39 FR 14614, as proposed rulemaking, regulations for source recordkeeping and reporting and the availability of emission data in the form of Rhode Island Regulation 14 and asked for written comments addressing the compatability of the subject regulations with the requirements of the Clean Air Act and Federal regulations contained in 40 CFR Part 51.

Several modifications have been made in the regulations as proposed to reflect comments received by EPA. As originally proposed, the Administrator, or the Director of the Rhode Island Department of Health, had discretion over which sources would be required to maintain records and report emission information. In the final regulations, all sources emitting over 100 tons of any one air contaminant for which there is a national standard are required to maintain records and submit emission information.

One comment received suggests as practical provision, that the owner or operator of a source should retain records for a period of time after submission to the Administrator or Director. A new paragraph has, therefore, been added to the regulations requiring retention of information by the owner or operator for two years after the date on which the pertinent report is submitted.

Since the Rhode Island Attorney General maintained his opinion that State law provided adequate authority, the State has not attempted to enact corrective legislation or to request a delegation of authority pursuant to § 114 of the Clean Air Act. Nevertheless, the State Department of Health has been implementing regulations for source recordkeeping and reporting and public availability of emission data.

In light of the decision in *Natural Resources Defense Council* v. *EPA*, 478 F. 2d 875 (1st Cir 1973), it appears to be unnecessary for Rhode Island to request delegation of authority or to amend its own State law. In that case, the Court held that regulations promulgated by the Administrator as a part of a state implementation plan are enforceable by both EPA and the states. Accordingly, under this decision, the State of Rhode Island has the legal authority to enforce Federally promulgated regulations requiring sources to maintain records and reports and to make information available to the public. This means that Federal requirements for recordkeeping and the public availability of information have been promulgated for Rhode Island and enforceable by the State.

The State Department of Health, however, wishes to continue to implement its own source recordkeeping and reporting, and public availability of information regulations rather than the Federal regulations. Accordingly, the Rhode Island Department of Health has submitted Regulation 14 to EPA for approval.

Also included in the final promulgation is a paragraph defining the term "potential emissions".

The time required for submittal of the required data has been changed from 45 days to 30 days after the end of the stated semi-annual reporting period to allow Rhode Island sufficient time to submit emission data as prescribed in EPA semi-annual reporting requirements.

Omitted from the final regulations is § 52.2075(b)(3) which exempted one-, two-, and three-family dwellings. Exemption of this category of sources is unnecessary as this category of sources is excluded by requiring only those sources emitting greater than 100 tons of an air contaminant to report. No other changes

were made in the proposed regulations.

After a careful evaluation of the State's submittal, the Administrator has determined that the regulations, as modified, meet the requirements of the Clean Air Act. Accordingly, these regulations are approved and promulgated as part of the Rhode Island Implementation Plan for the attainment and maintenance of National Ambient Air Quality Standards. The regulations which were set forth in 40 CFR 52.2073(b) and 52.2075 (b) and published in the FEDERAL REGISTER on September 22, 1972, are hereby amended.

The Agency finds that good cause exists for making these actions effective January 15, 1976, for the following reasons:

1. The implementation plan revision is already in effect under State law and EPA approval imposes no additional regulatory burdens:

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs.

AUTHORITY: Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Dated: January 8, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart OO—Rhode Island

§ 52.2070 [Amended]

1. Section 52.2070, paragraph (c) is amended by inserting the date "September 5, 1973" in proper chronological order.

2. Section 52.2073 paragraph (b) is amended to read as follows:

§ 52.2073 General Requirements.

* * * * *

(b) Regulation for public availability of emission data.

(1) Information obtained from owner or operators of stationary sources pursuant to § 52.2075 will be correlated with applicable emission limitations and other control regulations and will be made available for public inspection at the Rhode Island Department of Health, 204 Health Building, Providence, Rhode Island.

3. Section 52.2075 paragraphs (a) and (b) is revised to read as follows:

§ 52.2075 Source Surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan lacks adequate legal authority to require owners or operators of stationary sources to maintain records of, and periodically report information as may be necessary to enable the state to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) Regulation for source recordkeeping and reporting.

(1) The owner or operator of all stationary sources which have the potential to emit a total of 100 tons or more per year of any one air contaminant for which there is a national standard shall maintain records of, and submit to the Director, data on operational processes, fuel usage, emission, stack parameters, boiler capacities, types of equipment generating air contaminants and air contaminant control devices that may be necessary to determine if the source is in compliance with applicable rules and regulations of the Department. Upon notification of the Administrator, or the Director of the Rhode Island Department of Health, sources with the potential to emit less than 100 tons per year of any air contaminant shall also be subject to the requirements of this paragraph. For the purposes of this paragraph, potential emissions shall be calculated at the design load assuming no control equipment is in use and fuel having a sulfur content of 2.2 percent by weight (dry basis) is being burned.

(2) The information recorded by the owner or operator of a stationary source shall be summarized and reported to the Director of the Department of Health on forms furnished by him. They shall be submitted within 30 days following the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

[FR Doc.76-1239 Filed 1-14-76;8:45 am]

[FRL 462-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Coal Preparation Plants

On October 24, 1974 (39 FR 37922), under section 111 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) proposed standards of performance for new and modified coal preparation plants. Interested parties were afforded an opportunity to participate in the rulemaking by submitting written comments. Twenty-seven comment letters were received; six from coal companies, four from Federal agencies, four from steel companies, four from electric utility companies, three from State and local agencies, three from coal industry associations and three from other interested parties.

Copies of the comment letters and a supplemental volume of background information which contains a summary of the comments with EPA's responses are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460. In addition, the supplemental volume of background information which contains copies of the comment summary with EPA's responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street S.W., Washington, D.C. 20460 (specify Background Information for Standards of Performance: Coal Preparation Plants, Volume 3: Supplemental Information). The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulations and are incorporated in the regulations promulgated herein.

The bases for the proposed standards are presented in "Background Information for Standards of Performance: Coal Preparation Plants" (EPA 450/2-74-021a, b). Copies of this document are available on request from the Emission Standards Protection Agency, Research Triangle and Engineering Division, Environmental Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

Summary of Regulation. The promulgated standards of performance regulate particulate matter emissions from coal preparation and handling facilities processing more than 200 tons/day of bituminous coal (regardless of their location) as follows: (1) emissions from thermal dryers may not exceed 0.070 g/dscm (0.031 gr/dscf) and 20% opacity, (2) emissions from pneumatic coal cleaning equipment may not exceed 0.040 g/dscm (0.018 gr/ dscf) and 10% opacity, and (3) emissions from coal handling and storage equipment (processing nonbituminous as well as bituminous coal) may not exceed 20% opactity.

Significant Comments and Revisions to the Proposed Regulations. Many of the comment letters received by EPA contained multiple comments. These are summarized as follows with discussions of any significant differences between the proposed and promulgated regulations.

1. *Applicability.*—Comments were received noting that the proposed standards would apply to any coal handling operation regardless of size and would require even small tipple operations and domestic coal distributors to comply with the proposed standards for fugitive emissions. In addition, underground mining activities may have been inadvertently included under the proposed standards. EPA did not intend to regulate either these small sources or underground mining activities. Only sources which break, crush, screen, clean, or dry large amounts of coal were intended to be covered. Sources which handle large amounts of coal would include coal handling operations at sources such as barge loading facilities, power plants, coke ovens, etc. as well as plants that primarily clean and/or dry coal. EPA concluded that sources not intended to be covered by the regulation handle less than 200 tons/day; therefore, the regulation promulgated herein exempts such sources.

Comments were received questioning the application of the standards to facilities processing nonbituminous coals (including lignite). As was stated in the preamble to the proposed regulation, it is intended for the standards to have broad applicability when appropriate. At the time the regulation was proposed, EPA considered the parameters relating to the control of emissions from thermal

dryers to be sufficiently similar, whether bituminous or nonbituminous coal was being dried. Since the time of proposal, EPA has reconsidered the application of standards to the thermal drying of nonbituminous coal. It has concluded that such application is not prudent in the absence of specific data demonstrating the similarity of the drying characteristics and emission control characteristics to those of bituminous coal. There are currently very few thermal dryers or pneumatic air cleaners processing nonbituminous fuels. The facilities tested by EPA to demonstrate control equipment representative of best control technology were processing bituminous coal. Since the majority of the EPA test data and other information used to develop the standards are based upon bituminous coal processing, the particulate matter standards for thermal dryers and pneumatic coal cleaning equipment have been revised to apply only to those facilities processing bituminous coal.

The opacity standard for control of fugitive emissions is applicable to nonbituminous as well as bituminous coal since nonbituminous processing facilities will utilize similar equipment for transporting, screening, storing, and loading coal, and the control techniques applicable for minimizing fugitive particulate matter emissions will be the same regardless of the type of coal processed. Typically enclosures with some type of low energy collectors are utilized. The opacity of emissions can also be reduced by effectively covering or sealing the process from the atmosphere so that any avenues for escaping emissions are small. By minimizing the number and the dimensions of the openings through which fugitive emissions can escape, the opacity and the total mass rate of emissions can be reduced independently of the air pollution control devices. Also, water sprays have been demonstrated to be very effective for suppressing fugitive emissions and can be used to control even the most difficult fugitive emission problems. Therefore, the control of fugitive emissions at all facilities will be required since there are several control techniques that can be applied regardless of the type of coal processed.

2. *Thermal dryer standard.*—One commentator presented data and calculations which indicated that because of the large amount of fine particles in the coal his company processes, compliance with the proposed standard would require the application of a venturi scrubber with a pressure drop of 50 to 52 inches of water gage. The proposed standard was based on the application of a venturi scrubber with a pressure drop of 25 to 35 inches. EPA thoroughly evaluated this comment and concluded that the commentator's calculations and extrapolations could have represented the actual situation. Rather than revise the standard on the basis of the commentator's estimates, EPA decided to perform emission tests at a plant which processes the coal under question. The plant tested is controlled with a venturi scrubber and was operated at a pressure drop of 29 inches during the emission tests. These tests showed emissions of 0.080 to 0.134 g/dscm (0.035 to 0.058 gr/dscf). These results are numerically greater than the proposed standard; however, calculations indicate that if the pressure drop were increased from 29 inches to 41 inches, the proposed standard would be achieved. Supplemental information regarding estimates of emission control needed to achieve the mass standard is contained in Section II, Volume 3 of the supplemental background information document.

Since the cost analysis of the proposed standard was based on a venturi scrubber operating at 25 to 35 inches venturi pressure loss, the costs of operating at higher pressure losses were evaluated. These results indicated that the added cost of controlling pollutants to the level of the proposed standard is only 14 cents per ton of plant product even if a 50 inch pressure loss were used, and only five cents per ton in excess of the average control level required by state regulations in the major coal producing states. In comparison to the $18.95 per ton delivered price of U.S. coal in 1974 and even higher prices today, a maximum five cents per ton economic impact attributable to these regulations appears almost negligible. The total impact of 14 cents per ton for controlling particulate matter emissions can easily be passed along to the customer since the demand for thermal drying due to freight rate savings, the elimination of handling problems due to freezing, and the needs of the customer's process (coke ovens must control bulk density and power plants must control plugging of pulverizers) will remain unaffected by these regulations. Therefore, the economic impact of the standard upon thermal drying will not be large and the inflationary impact of the standard on the price of coal will be insignificant (one percent or less). From the standpoint of energy consumption, the power requirements of the air pollution control equipment are exponentially related to the control level such that a level of diminishing return is reached. Because the highest pressure loss that has been demonstrated by operation of a venturi scrubber on a coal dryer is 41 inches water gage, which is also the pressure loss estimated by a scrubber vendor to be needed to achieve the 70 mg/dscm standard, and because energy consumption increases dramatically at lower control levels (<70 mg/dscm), a particulate matter standard lower than 70 mg/dscm was not selected. At the 70 mg/dscm control level, the trade-off between control of emissions at the thermal dryer versus the increase in emissions at the power plant supplying the energy is favorable even though the mass quantity of all air pollutants emitted by the power plant (SO_2, NO_x, and particulate matter) are compared only to the reduction in thermal dryer particulate matter emissions. At lower than 70 mg/dscm, this trade-off is not as favorable due to the energy requirements of venturi scrubbers at higher pressure drops. For this source, alternative means of air pollution control have not been fully demonstrated. Having considered all comments on the particulate matter regulation proposed for thermal dryers, EPA finds no reason sufficient to alter the proposed standard of 70 mg/dscm except to restrict its applicability to thermal dryers processing bituminous coal.

3. *Location of thermal drying systems.*—Comments were received on the applicability of the standard for power plants with closed thermal drying systems where the air used to dry the coal is also used in the combustion process. As indicated in § 60.252(a), the standard is concerned only with effluents which are discharged into the atmosphere from the drying equipment. Since the pulverized coal transported by heated air is charged to the steam generator in a closed system, there is no discharge from the dryer directly to the atmosphere, therefore, these standards for thermal dryers are not applicable. Effluents from steam generators are regulated by standards previously promulgated (40 CFR Part 60 subpart D). However, these standards do apply to all bituminous coal drying operations that discharge effluent to the atmosphere regardless of their physical or geographical location. In additiona to thermal dryers located in coal preparation plants, usually in the vicinity of the mines, dryers used to preheat coal at coke ovens are alsoregulated by these standards. These coke oven thermal dryers used for preheating are similar in all respects, including the air pollution control equipment, to those used in coal preparation plants.

4. *Opacity standards.*—The opacity standards for thermal dryer and pneumatic coal cleaners were reevaluated as a result of revisions to Method 9 for conducting opacity observations (39 FR 39872). The opacity stndards were proposed prior to the revisions of Method 9 and were not based upon the concept of averaging sets of 24 observations for six-minute periods. As a result, the proposed standards were developed in relation to the peak emissions of the facility rather than the average emissions of six-minute periods. The opacity data collected by EPA have been reevaluated in accordance with the revised Method 9 procedures, and opacity standards for thermal dryers and pneumatic coal cleaners have been adjusted to levels consistent with these new procedures. The opacity standards for thermal dryers and pneumatic coal cleaners have been adjusted from 30 and 20 percent to 20 and 10 percent opacity, respectively. Since the proposed standards were based upon peak rather than average opacity, the revised standards are numerically lower. Each of these levels is justified based primarily upon six-minute averages of EPA opacity observations. These data are contained in Section III, Volume 3 of the supplemental background information document.

5. *Fugitive emission monitoring.*—Several commentators identified some difficulties with the proposed procedures for monitoring the surface moisture of thermally dried coal. The purpose of the proposed requirement was to determine the probability of fugitive emissions occuring from coal handling operations

and to estimate their extent. The commentators noted that the proposed A.S.T.M. measurement methods are difficult and cumbersome procedures not typically used by operating facilities. Also, it was noted that there is too little uniformity of techniques within industry for measuring surface moisture to specify a general method. Secondly, estimation of fugitive emissions from such data may not be consistent due to different coal characteristics. Since the opacity standard promulgated herein can readily be utilized by enforcement personnel, the moisture monitoring requirement is relatively unimportant. EPA has therefore eliminated this requirement from the regulation.

6. *Open storage piles.*—The proposed regulation applied the fugitive emission standard to coal storage systems, which were defined as any facility used to store coal. It was EPA's intention that this definition refer to some type of structure such as a bin, silo, etc. Several commentators objected to the potential application of the fugitive emission standard to open storage piles. Since the fugitive emission standard was not developed for application to open storage piles, the regulations promulgated herein clarifies that open storage piles of coal are not regulated by these standards.

7. *Thermal dryer monitoring equipment.*—A number of commentators felt that important variables were not being considered for monitoring venturi scrubber operation on thermal dryers. The proposed standards required monitoring the temperature of the gas from the thermal dryer and monitoring the venturi scrubber pressure loss. The promulgated standard requires, in addition to the above parameters, monitoring of the water supply pressure to the venturi scrubber. Direct measurement of the water flow rate was considered but rejected due to potential plugging problems as a result of solids typically found in recycled scrubber water. Also, the higher cost of a flow rate meter in comparison to a simpler pressure monitoring device was a factor in the selection of a water pressure monitor for verifying that the scrubber receives adequate water for proper operation. This revision to the regulations will insure monitoring of major air pollution control device parameters subject to variation which could go undetected and unnoticed and could grossly affect proper operation of the control equipment. A pressure sensor, two transmitters, and a two pen chart recorder for monitoring scrubber venturi pressure drop and water supply pressure, which are commercially available, will cost approximately two to three thousand dollars installed for each thermal dryer. This cost is only one-tenth of one percent of the total investment cost of a 500-ton-per-hour thermal dryer. The regulations also require monitoring of the thermal dryer exit temperature, but no added cost will result because this measurement system is normally supplied with the thermal drying equipment and is used as a control point for the process control system.

Effective date.—In accordance with section 111 of the Act, as amended, these regulations prescribing standards of performance for coal preparation plants are effective on January 15, 1976, and apply to thermal dryers, pneumatic coal cleaners, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems, the construction or modification of which was commenced after October 24, 1974.

Dated: January 8, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 60 of Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended by adding subpart Y as follows:

* * * * *

Subpart Y—Standards of Performance for Coal Preparation Plants

Sec.
60.250 Applicability and designation of affected facility.
60.251 Definitions.
60.252 Standards for particulate matter.
60.253 Monitoring of operations.
60.254 Test methods and procedures.

AUTHORITY: Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857 c-9).

2. Part 60 is amended by adding subpart Y as follows:

* * * * *

Subpart Y—Standards of Performance for Coal Preparation Plants

§ 60.250 Applicability and designation of affected facility.

The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.

§ 60.251 Definitions.

As used in this subpart, all terms not defined herein have the meaning given them in the Act and in subpart A of this part.

(a) "Coal preparation plant" means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(b) "Bituminous coal" means solid fossil fuel classified as bituminous coal by A.S.T.M. Designation D-388-66.

(c) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by A.S.T.M. Designation D-388-66.

(d) "Cyclonic flow" means a spiraling movement of exhaust gases within a duct or stack.

(e) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

(f) "Pneumatic coal-cleaning equipment" means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

(g) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.

(h) "Coal storage system" means any facility used to store coal except for open storage piles.

(i) "Transfer and loading system" means any facility used to transfer and load coal for shipment.

§ 60.252 Standards for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any thermal dryer gases which:

(1) Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf).

(2) Exhibit 20 percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:

(1) Contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf).

(2) Exhibit 10 percent opacity or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

§ 60.253 Monitoring of operations.

(a) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within ±3° Fahrenheit.

(2) For affected facilities that use venturi scrubber emission control equipment:

(i) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the

control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±1 inch water gage.

(ii) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator may be consulted for approval of alternative locations.

(b) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under § 60.13(b)(3) of this part.

§ 60.254 Test methods and procedures.

(a) The reference methods in Appendix A of this part, except as provided in § 60.8(b), are used to determine compliance with the standards prescribed in § 60.252 as follows:

(1) Method 5 for the concentration of particulate matter and associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate, and

(4) Method 3 for gas analysis.

(b) For Method 5, the sampling time for each run is at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator. Sampling is not to be started until 30 minutes after start-up and is to be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Administrator.

(c) The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under paragraph (a) of this section.

[FR Doc.76-1240 Filed 1-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-54—ADVISORY COMMITTEE MANAGEMENT

Policies and Procedures Relating to GSA-Sponsored Advisory Committees

This regulation sets forth revisions to policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility. Regulations on Advisory Committee Management were recodified as Part 105-54 to place them in the appropriate subject category. They were originally published as Part 105-64.

The table of contents for Part 105-54 is amended by revising § 105-54.401 and reserving § 105-54.402 as follows:

Sec.

105-54.401 Reports on GSA Federal Advisory Committees.

105-54.402 [Reserved]

Subpart 105-54.2—Establishment of Advisory Committees

1. Section 105-54.201(a) is revised to read as follows:

§ 105-54.201 Proposals for establishing advisory committees.

* * * * *

(a) A letter to the Director, Office of Management and Budget for signature of the Administrator of General Services describing the nature and purpose of the proposed advisory committee, the reasons why it is needed, the reasons why its functions cannot be performed by an existing committee or Federal agency, and the plans to attain a balanced membership; and

* * * * *

2. Section 105-54.202(b) is revised to read as follows:

§ 105-54.202 Review and approval of proposals.

* * * * *

(b) When notified by OMB that establishment of the advisory committee would be in accord with the Federal Advisory Committee Act, the GSA Committee Management Officer shall secure final clearance and approval of the FEDERAL REGISTER notice in accordance with established GSA procedures. The notice must be published at least 15 calendar days prior to the filing of a committee charter in accordance with § 105-54.203.

3. Section 105-54.204(a) is revised to read as follows:

§ 105-54.204 Advisory committee membership.

(a) Advisory committees established by GSA shall be representative of the points of view within the profession, industry, or other group to which it relates, taking into account such factors as size, function, geographical location, affiliation, and other relevant considerations affecting the character of an advisory committee. Representatives of the public interest shall be included on any advisory committee concerned with questions of social policy. The Administrator shall designate all members, alternates, and observers, as appropriate, of all advisory committees. He shall also designate a Federal Officer or employee to chair or attend each meeting of each advisory committee. In addition, GSA employees serving on advisory committees sponsored by other Government agencies shall be designated by the Administrator. Nominations and letters of appointment or designation for the Administrator's signature shall be submitted by the appropriate Head of Service or Staff Office or Regional Administrator to the Assistant Administrator (Attn: GSA Committee Management Officer) for review and forwarding to the Administrator.

* * * * *

Subpart 105-54.3—Advisory Committee Procedures

1. Sections 105-54.301, 105-54.301-1, 105-54.301-3, 105-54.301-4, and 105-54.301-6 are amended to read as follows:

§ 105-54.301 Meetings.

Each GSA-sponsored advisory committee shall meet only in the presence of a Federal Officer or employee designated by the Administrator. (See § 105-54.204(a).). This designated employee shall be authorized to adjourn any advisory committee meeting whenever he determines adjournment to be in the public interest.

§ 105-54.301-1 Agenda.

An agenda shall be prepared or approved by the Government chairman or designated official for each meeting of an advisory committee. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters covered by the exemptions from 5 U.S.C. 552(b) (Freedom of Information Act). Ordinarily, copies of the agenda shall be distributed to committee members prior to the date of the meeting.

§ 105-54.301-3 Time and place.

Meetings shall be held only at the time and place determined or approved by the Government chairman or designated official. Unless otherwise authorized, meetings shall be held in space under the control of the Government.

§ 105-54.301-4 Public notice of meetings.

(a) The Head of the responsible Service or Staff Office or Regional Administrator shall give timely notice of each advisory committee meeting by publication of a notice, over his signature, in the FEDERAL REGISTER at least 15 calendar days prior to the date of the meeting. (Material for publication in the FEDERAL REGISTER is submitted through the FEDERAL REGISTER liaison officer (BRAI).) Shorter advance notice may be provided in emergency situations, and the reasons for such emergency exceptions shall be made part of the meeting notice. In giving notice, consideration must be given to the processing time required to get the notice printed in the FEDERAL REGISTER (at least 4 workdays). In addition to the notice in the FEDERAL REGISTER, announcements may also be made by general press release, direct mailing, or publication in trade and professional journals appropriate to the nature of the committee meeting.

* * * * *

(c) Each notice of meeting shall state the name of the advisory committee, the time and place of the meeting, its purpose, and whether (or the extent to which) the public will be permitted to attend or participate. Whenever practicable, a summary of the agenda should

be included. (See § 105–54.301–6 for procedures for closed meetings.)

§ 105–54.301–6 Public attendance and participation.

* * * * *

(e) An advisory committee meeting will not be open to the public, nor will the attendance, appearance, or filing of statements by interested persons be permitted at such a meeting, whenever the Administrator of General Services determines that it is concerned with matters covered by the exemptions to the Freedom of Information Act (5 U.S.C. 552 (b)) and there is sufficient reason to invoke any of these exemptions. If it is determined that only a portion of the meeting is concerned with such matters, only that portion of the meeting shall be closed. Any determinations concerning the closing of meetings shall be submitted in writing by the Head of the Service or Staff Office or Regional Administrator to the Administrator for approval at least 30 calendar days in advance of the scheduled date of the meeting. Such determinations should clearly set forth the reasons for closing the meeting. These determinations shall be made available to the public on request.

(f) If any meeting, or portion of a meeting, is closed to public attendance, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of 5 U.S.C. 552(b). Notice of the availability of the report and instructions on how to gain access to it shall be published in the FEDERAL REGISTER no later than 60 days after its completion. In addition, copies of the report shall be filed with the Library of Congress in accordance with § 105–54.302(b).

2. Section 105–54.303 is amended by revising paragraph (a) and by adding paragraphs (d) through (h) as follows:

§ 105–54.303 Fiscal and administrative provisions.

(a) The Head of each Service or Staff Office and Regional Administrators shall ensure that in accordance with established GSA procedures, records are maintained which fully disclose the disposition of funds at the disposal of an advisory committee and the nature and extent of its activities.

* * * * *

(d) The pay of the members of an advisory committee shall be fixed to the daily equivalent of a rate of the General Schedule in 5 U.S.C. 5332 unless the members are appointed as consultants and compensated as provided in (f), below. The pay, however, may not be fixed at a rate higher than the daily equivalent of the maximum rate for GS–15 unless the Administrator has personally determined that, under the factors set forth in (e), below, a higher rate of pay is justified and necessary. Such a determination must be reviewed by the Administrator annually. In determining an appropriate rate of pay for the members of an advisory committee, consideration shall be given to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of the committee.

(e) The pay of each member of the staff of an advisory committee shall be fixed at a rate of the General Schedule in which the staff member's position would appropriately be placed were the General Schedule classification system in Chapter 51 of title 5, U.S.C., applicable to the position. The pay, however, may not be fixed at a rate higher than the daily equivalent of the maximum rate for GS–15 unless the Administrator has determined that, under the General Schedule classification system, the staff members position would appropriately be placed in the General Schedule grade higher than GS–15. This determination must be reviewed by the Administrator annually.

(f) The pay of a consultant to an advisory committee shall be fixed after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The rate of pay shall not exceed the maximum rate of pay which the agency may pay experts and consultants under 5 U.S.C. 3109.

(g) The provisions of this section shall not prevent the acceptance of voluntary services of a member of an advisory committee or a member of the staff of an advisory committee.

(h) The members of an advisory committee and the staff thereof, while engaged in the performance of their duties away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703 for persons employed intermittently in the Government service.

3. Sections 105–54.304(b)(2) and (c) are revised to read as follows:

§ 105–54.304 Renewal of advisory committees.

* * * * *

(b) * * *

(1) * * *

(2) A letter to the Director of the Office of Management and Budget, for signature of the Administrator, setting forth:

(i) His determination that renewal is necessary and is in the public interest;

(ii) The reasons for his determination;

(iii) GSA's plan to attain balanced membership of the committee; and

(iv) An explanation of why the committee's functions cannot be performed by GSA or by an existing advisory committee.

* * * * *

(c) Upon receipt of the above documents, the Assistant Administrator shall secure the approval of the Administrator for each advisory committee whose renewal is adequately justified and submit the approval letter (see subpar. (b)(2), above) to OMB not more than 60 calendar days nor less than 30 before the committee expires. Following receipt of OMB concurrence in the committee renewal, the Assistant Administrator shall publish notice of the renewal in the FEDERAL REGISTER and file copies of the updated charter as prescribed in § 105–54.203.

* * * * *

Subpart 105–54.4—Reports

1. Section 105–54.401 is revised to read as follows:

§ 105–54.401 Reports on GSA Federal Advisory Committees.

(a) By January 15 of each year, the Head of the Service or Staff Office shall conduct a comprehensive review of each advisory committee under his jurisdiction in existence during the preceding calendar year and shall report to the Assistant Administrator (Attn: GSA Committee Management Officer) on the results of this review and on the activities of each committee. Detailed instructions for the conduct of the comprehensive review including preparation of the report will be issued by the GSA Committee Management Officer. The report on committee activities shall be submitted on the following report forms:

(1) Standard Form 248, Annual Report on Federal Advisory Committee; and

(2) Standard Form 249, Membership List on Federal Advisory Committee.

(b) Necessary forms will be provided by the GSA Committee Management Officer.

(c) By February 1 of each year, the GSA Committee Management Officer shall submit to the Office of Records Management, NARS, the agency annual report required by FPMR 101–11.12. In addition to Standard Forms 248 and 249, the report will include Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet.

(d) By April 1 of each year, the GSA Committee Management Officer shall prepare for the signature of the Administrator of General Services and submission to the Committee Management Secretariat, OMB, a report on the annual comprehensive review of advisory committees. This report shall consist of:

(1) The results of the annual comprehensive review, in triplicate, of each GSA advisory committee in existence at the end of the preceding calendar year;

(2) A brief description of the agency's annual comprehensive review procedures and process; and

(3) A letter of transmittal for the review(s), constituting a determination that the continuation of the committees proposed to be continued is in the public interest.

§ 105–54.402 [Reserved]

2. Section 105–54.402 is deleted and reserved.

(Pub. L. 92–463 dated October 6, 1972; Executive Order 11769 of February 21, 1974; and FPMR Amendment B–28, Title 41 of the Code of Federal Regulations, Chapter 101, FEDERAL REGISTER of October 14, 1975)

Effective date. These regulations are effective January 6, 1976.

Dated: January 6, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-1208 Filed 1-14-76;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Correction

In FR Doc. 75-30557 appearing at page 52847 in the FEDERAL REGISTER of November 13, 1975, the preamble and item number 1 erroneously indicated that Part 114-40 (41 CFR 114-40) was deleted. Those entries are corrected to indicate that only Subpart 114-40.50 of 41 CFR 114 is deleted. Subpart 114-40.3 of 41 CFR 114 remains in effect.

Dated: January 9, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-1163 Filed 1-14-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 21—MIGRATORY BIRD PERMITS

Falconry Permit Regulations

By notice of proposed rulemaking published in the FEDERAL REGISTER on July 30, 1973 (38 FR 20264), and on April 4, 1974 (39 FR 12314), notice was given that it was proposed to add a new § 21.28 and 21.29 to Part 21 of Title 50, Code of Federal Regulations.

The proposal published on July 30, 1973 (38 FR 20264), contained minimum standards for the various States to follow in issuing falconry permits. Written comments, suggestions, and objections were received and evaluated regarding the proposal. Because of the public interest and the emergence of several points of concern in the proposal, it was considered desirable to publish a second proposal for public comment.

The proposal published on April 4, 1974 (39 FR 12314), set forth revised falconry permit regulations and again invited written comments and suggestions for further revision. Comments were again received and evaluated on this proposal. From the review and evaluation of these comments, the final falconry permit regulations were developed. A summary of background information and changes that have been made in the final regulations are discussed below.

Exotic Raptors. The raptors covered by these two sections include the great-horned owl (*Bubo virginianus*) and all species of the families *Accipitridae* (excluding bald eagles) and *Falconidae* whose range extends into any part of Mexico, or the United States. All individual birds of such species whether or not raised in captivity, and including any subspecies, even if the range of such subspecies does not include parts of the above countries, are covered by these regulations. For reference purposes a list of raptors appears at 50 CFR 10.13.

The use for falconry or the possession of any raptors not covered by these regulations may be controlled by the various States. In addition, the importation of any wildlife from a foreign source must be in compliance with Parts 13 and 14 of Title 50, Code of Federal Regulations, and any other appropriate Federal laws or regulations.

Endangered and Threatened Species. No change was made in the restrictions that have been placed on the use of endangered and threatened species of raptors. However, because of many questions about both categories of raptors, the following information is provided for clarification of the regulations.

Under the Endangered Species Act of 1973, an endangered species (or subspecies) is one which is in danger of extinction throughout all or a significant portion of its range. Any species of raptor so classified cannot be taken for falconry use. However, any endangered raptor held legally before December 28, 1973, may be retained for falconry use under these regulations.

A threatened species or subspecies is one which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The use of a threatened species of raptor is restricted to only the Master Class falconer under special permit. Currently there are no species of raptors listed as threatened.

Captive Propagation. After reviewing the many comments that were made about captive propagation and the use of captive-reared raptors, it was obvious the brief explanation associated with the April 4, 1974 (39 FR 12314), proposal did not adequately explain these two points. As stated at that time, these regulations are concerned only with falconry and the requirements for obtaining a permit and holding birds. Currently, raptor propagation can be authorized under a special purpose permit issued in accordance with 50 CFR 21.27. However, in the near future new regulations will be proposed to cover captive-reared raptors and the question of the sale of such captive-reared raptors.

Under the following regulations, the same restrictions are placed on the use of nonendangered raptors that have been hatched in captivity as are placed on wild trapped birds. However, any endangered species hatched in captivity after December 28, 1973, cannot be used for falconry.

Alien Falconers. The question was raised by many persons concerning the status of nonresident falconers and whether they could attend falconry meets or hunt in the United States.

There are no restrictions in these regulations barring a nonresident from practicing falconry in the United States. However, if the person possesses a migratory species he would have to obtain a migratory bird import permit issued in accordance with § 21.21, Title 50 Code of Federal Regulations. If the bird or birds being brought into the country are not migratory species, no permits would be required under these regulations, but the birds would have to be entered in accordance with the requirements outlined in Parts 14 and 17, Title 50, Code of Federal Regulations. In addition to these regulations, the U.S. Department of Agriculture may have special requirements regarding entry of raptors for falconry.

Once the birds are legally entered into the United States, their use for falconry would come under the jurisdiction of the various States. The nonresident falconer would then be required to abide by all falconry and hunting regulations of the State or States in which he was visiting.

Minimum Age. The minimum age level for the Apprentice Class has been one of the most controversial points during the formulation of the falconry permit regulations. Suggestions have ranged from no age limit to a minimum age as high as 25 years.

The July 30, 1973 (38 FR 20264), proposal suggested the minimum age be set at 12 years, but most comments were opposed to a minimum age that young. In the April 4, 1974 (39 FR 12314) proposal, the minimum age was raised to 16 years, but many writers believed that a minimum level this high would discourage many well-qualified youths. These writers suggested that the restrictions provided in the form of sponsorship, adequate facilities, written examination, and the species limitation all work to insure that only qualified young people begin the practice of falconry. In addition, the various States can set their minimum level higher than the Federal standards if they experience any problems.

In reviewing the comments received from both proposals, and the information provided by most of the States, the decision was reached to set the age level at 14 years. It is believed this age level, plus the restrictions in the regulations, limit permits to those youths who are qualified to handle a raptor.

Facilities. The standards for facilities and equipment have been extensively modified. Many writers pointed out that while the standards were all good, they were too inflexible to allow for individual ingenuity or the development of new equipment or materials. For this reason the standards have been generalized, but the requirements have been retained as much as possible.

Nestlings. During the entire time the falconry regulations have been discussed, no issue has been debated as strongly as whether or not nestlings (eyasses) should be allowed to be taken. Virtually everyone who commented on the proposals had an opinion on this issue.

The two proposals presented both sides of the question and brought out many arguments for utilization and for prohibition of this segment of population. All of these arguments were again reviewed

and the decision was made to allow the General and Master falconer to take nestlings.

In addition to all of the pros and cons of the question, the population dynamics of raptors was considered. Most research on raptors has shown first year mortality to be in the range of 50 to 70 percent. This mortality is due to many factors and is the mechanism by which surplus raptors are removed from the population. Since the nestling is the most expendable segment of the population, it was decided that some utilization could be allowed.

Along with allowing the utilization of nestlings, adjustments were made concerning the period of taking birds. The various States may allow up to 180 days for the taking of birds during a calendar year and may adjust the periods of taking to meet their various needs.

Implementation of Regulations. The U.S. Fish and Wildlife Service deems it in the public interest to allow the various States until December 31, 1976, to implement these regulations. Any State not adopting the regulations by December 31, 1976, will be considered a non-falconry State.

The interim rules contained in § 21.28 of Title 50, CFR, will continue in effect for 30 days following the publication of these regulations. At the end of that 30-day period, Part 21 of Title 50, C.F.R., is amended as set forth below.

Dated: January 12, 1976.

LYNN A. GREENWALT,
Director.

1. Effective February 17, 1976, § 21.28 of Subpart C, Part 21, Chapter I of Title 50, Code of Federal Regulations, is amended to read as follows:

§ 21.28 Falconry permits.

(a) *Definitions.* In addition to definitions contained in Part 10 of this subchapter, and unless the context requires otherwise, in this section and § 21.29:

"Raptor" means a live migratory bird of the family *Accipitridae*, other than the bald eagle (*Haliaeetus leucocephalus*), or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*.

"Take" means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

"Falconry" means the sport of taking quarry by means of a trained raptor.

(b) *Interim rules.* The rules contained in this subsection shall apply to all States not listed in § 21.29(k), until December 31, 1976. The practice of falconry in States which are listed in § 21.29(k) shall be governed by §§ 21.28, as amended, and 21.29 of this subpart.

(1) A person may take, possess, and transport raptors for falconry purposes without a permit only if:

(i) The taking, possession, and transportation is authorized by the laws and regulations of the State in which it occurs;

(ii) The total number of raptors taken by a person in 1976 does not exceed three; and

(iii) The raptor does not appear on the list of endangered or threatened wildlife (50 CFR Part 17);

(2) The barter, sale, purchase, importation, or exportation of raptors for falconry purposes without a permit is prohibited.

2. Effective December 31, 1976; or, in a State which is listed in § 21.29(k) of this subchapter before December 31, 1976, on the effective date of such listing: paragraph (b) of § 21.28, Subpart C, Part 21, Chapter I, Title 50, Code of Federal Regulations, is amended and new paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 21.28 Falconry permit.

* * * * *

(b) *Permit requirements.* A falconry permit is required before any person may take, transport, or possess raptors for falconry purposes.

(c) *Application procedures.* (1) An applicant who wishes to practice falconry in a State listed in § 21.29(k) and which has been designated as a participant in a joint Federal/State permit system must submit an application for a falconry permit to the appropriate agency of that State. Each such application must incorporate a completed official form approved by the Service and must include all of the following information:

(i) The number of raptors the applicant possesses at the time the application is submitted and the species, age (if known), sex (if known), date of acquisition, and source of each; and

(ii) Any additional information required by the State to which the application is submitted.

(2) An applicant who wishes to practice falconry in a State listed in § 21.29(k) and designated as a non-participant in a joint Federal/State permit system must submit an application for a falconry permit to the Special Agent in Charge designated by § 13.11(b) of this subchapter. Each such application must incorporate a completed official application form provided by the Service, and must include all of the following information:

(i) The number of raptors which the applicant possesses at the time the application is submitted and the species, age (if known), sex (if known), date of acquisition, and source of each ; and

(ii) A statement as to whether the applicant has applied for a State falconry permit from a State listed in § 21.29(k) of this subchapter and the name of the State and the date and file number of any application or other correspondence.

(d) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (c) of this section, the Director will decide whether a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether such action would have a significant effect on the wild population of raptors; and

(2) Whether the Service and a State listed in § 21.29(k) of this subpart concur that the applicant has met the appropriate requirements of State and Federal law and, in the case of a State listed in § 21.29(k) as a participant in a joint Federal/State permit system, that a joint Federal/State permit should be issued or, in the case of a State listed in § 21.29 (k) as a non-participant in a joint Federal/State permit system, that separate permits should be issued by each authority.

(e) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) A permittee may not take, transport, or possess a golden eagle (*Aquila chrysaetos*) unless authorized in writing under § 22.24 of this subchapter;

(2) A permittee may trade or transfer a raptor to another permittee if the transaction occurs entirely within a State and no money or other consideration is involved. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written approval of the State agency which issued the permit is obtained and no money or other consideration is involved in the transaction.

(3) A permittee may not take, possess, or transport a raptor in violation of the restrictions, conditions, and requirements of § 21.29 of this subpart; and

(4) By July 31 of each year, a permittee shall submit a falconry report to the authority which issued the permit. A report shall contain the following:

(i) A listing of all raptors in his possession on June 30th of the year in which the report is filed by species, marker number, sex (if known), age (if known), and date and where or from whom acquired;

(ii) A listing of all raptors possessed or acquired since the previous annual report, but no longer possessed, by species, marker number, sex (if known), age (if known), date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred; and

(iii) Any other information required by the authority to which the report is submitted.

(f) *Duration of permits.* A permit or the renewal of a permit is valid when issued by the Service and expires on June 30th of the second calendar year after it is issued, unless a different period is specified on the permit or the renewal.

3. Effective December 31, 1976, or, in the case of a State which is listed in § 21.29(k) before December 31, 1976, on the effective date of such listing, the Table of Sections, Subpart C—Specific Permit Provisions, is amended to include a new § 21.29 "Federal Falconry Standards" to read as follows:

§ 21.29 Federal falconry standards.

(a) *General.* Under § 21.28(d) of this subpart, a falconry permit will not be issued by the Service unless there is a joint concurrence in that decision by the

Service and an appropriate offical of a State listed in paragraph (k) of this section. A person who has obtained a valid falconry permit issued by the Service may take, possess and transport raptors for falconry in a State only in accordance with laws and regulations of that State, and he may not violate any of the minimum Federal standards, restriction, conditions, or requirements of this section even if not adopted by the State in question.

(b) *More restrictive State laws.* Nothing in this section shall be construed to prevent a State from making and enforcing laws or regulations not inconsistent with the standards contained in any convention between the United States and any foreign country for the protection of raptors or with the Migratory Bird Treaty Act, and which shall give further protection to raptors.

(c) *Review and determination.* Any State may obtain a review and determination of its existing laws or regulations relating to falconry from the Director within 90 days by submitting a written request to that effect to the Director accompanied by a complete set of the laws and regulations relating to falconry, certified as complete, true, and correct by the appropriate State official, and including sample permits. In order for the Director to make a determination that State laws or regulations meet Federal falconry standards, such laws or regulations must provide as a minimum those restrictions, conditions, and requirements contained in paragraphs (d) through (j) of this section. When a determination is made that State laws or regulations meet or exceed these standards, notice will be published in the FEDERAL REGISTER and the State will be listed in paragraph (k) of this section.

(d) *Permit.* State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting Federal falconry standards and listed in paragraph (k) of this section is required before any person may take, possess or transport a raptor for falconry purposes or practice falconry in that State.

(e) *Classes of permits.* States may have any number of classes of falconry permits provided the standards are not less restrictive than the following:

(1) *Apprentice (or equivalent) class.* (i) Permittee shall be at least 14 years old;

(ii) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time;

(iii) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period; and

(iv) Permittee shall possess only an American kestrel (Falco sparverius), a red-tailed hawk (Buteo jamaicensis), a red-shouldered hawk (Buteo lineatus), or in Alaska a goshawk (Accipiter gentilis).

(2) General (or equivalent) class. (i) A permittee shall be at least 18 years old;

(ii) A permittee shalll have at least two years experience in the practice of falconry at the apprentice level or its equivalent;

(iii) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and

(iv) A permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in Part 17 of this subchapter.

(3) *Master (or equivalent) class.* (i) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

(ii) A permittee may not possess more than three raptors, and may not obtain more than two raptors for replacement birds during any 12-month period;

(iii) A permittee may not take, transport, or possess any species listed as endangered in Part 17 of this subchapter;

(iv) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing under § 22.24 of this subchapter;

(v) A permittee may not take, transport, or possess as part of his three-bird limitation, more than one raptor listed as threatened in Part 17 of this subchapter, and then only in accordance with prior written approval by the Director issued pursuant to Part 17 of this Subchapter.

(f) *Examination.* State laws or regulations shall provide that before any State falconry permit is issued the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided or approved by the Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

(g) *Facilities and equipment.* State laws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

(1) *Facilities.* The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(2) *Equipment.* The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i) Jesses—At least 1 pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels—At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design;

(iii) Bath container—At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design shall be provided for each raptor; and

(v) Weighing device—A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

(3) *Maintenance.* All facilities and equipment shall be kept at or above the preceding standards at all times.

(4) *Transportation; temporary holding.* A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

(h) *Marking.* (1) State laws or regulations shall provide that an inventory and description of all raptors held within that State, except those held for scientific or zoological purposes, shall be made and reported to that State within 90 days of the date when that State is listed in paragraph (k) of this section. This paragraph applies to all such raptors, whether or not the owner intends to submit an application for a falconry permit.

(2) State laws or regulations shall provide that no raptor may be acquired after the date when that State is listed in paragraph (k) of this section unless the person acquiring the raptor first obtains a marker and attaches it to the raptor immediately upon acquisition.

(3) State laws or regulations shall also provide that the alteration, counterfeiting or defacing of a marker is prohibited except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided the in-

tegrity of the marker and numbering are not affected.

(i) *Taking restrictions.* State laws or regulations shall provide the following restrictions on the taking of raptors from the wild:

(1) Young birds not yet capable of flight (eyasses) may only be taken by a General or Master Falconer during the period specified by the State and no more than two eyases may be taken by the same permittee during the specified period.

(2) First-year (passage) birds may be taken only during the period specified by the State;

(3) In no case shall the total of all periods of taking of eyasses or passage birds exceed 180 days during a calendar year, except that a marked raptor may be retrapped at any time; and

(4) Only American kestrels (*Falco sparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

(j) *Other restrictions.* State laws or regulations shall provide the following restrictions or conditions:

(1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.

(2) A person who possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

(3) A falconry permit holder shall obtain written authorization from the appropriate State wildlife department before any species not indigenous to that State is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the State wildlife department. The marker from an intentionally released bird which is indigenous to that State shall also be removed and surrendered to the State wildlife department. A standard Federal bird band shall be attached to such birds by the State or Service-authorized Federal bird bander whenever possible.

(4) Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred: *Provided,* that if the period of care will exceed thirty (30) days, the appropriate State wildlife department shall be informed in writing by the permittee of this action within three (3) days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person; and

(5) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

(k) *States Meeting Federal Falconry Standards.* In accordance with this section, the Director has determined that the following States meet or exceed the minimum Federal standards for regulating the taking, possession, and transportation of raptors for the purpose of falconry as set forth herein.

[NOTE: Names of States which have been determined by the Director in accordance with this section to meet Federal falconry standards will be listed in this paragraph. States which are participants in a joint Federal/State permit system will be designated by an asterisk.]

[FR Doc.76-1227 Filed 1-14-76;8:45 am]

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge

The following special regulation is issued and is effective on January 15, 1976.

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

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Sumner, Missouri, is permitted on the areas designated by signs as open to fishing. The open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Denver Federal Center, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from March 1 through September 30, 1976 inclusive, during daylight hours only.

(2) Boats without motors may be used on Swan Lake, Silver Lake, and that portion of South Lake immediately adjacent to No. 5 Levee.

(3) Travel is permitted on all roads except those posted with "Road Closed" signs.

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

ALFRED O. MANKE,
Refuge Manager, Swan Lake National Wildlife Refuge.

DECEMBER 18, 1975.

[FR Doc.76-1162 Filed 1-14-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-838]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

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

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or

the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

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

§ 1915.3 List of communities with special hazards areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Alabama	Baldwin	Fairhope, city of	H 010006A 01 through H 010006A 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 429, Fairhope, Ala. 36532.	May 24, 1974. Dec. 26, 1975.
Do	Calhoun	Piedmont, city of	H 010024A 01 through H 010024A 05	do	Mayor, P.O. Box 112, Piedmont, Ala. 36272.	June 7, 1974. Dec. 26, 1975.
Do	Crenshaw	Dozier, town of	H 010056A 01 through H 010056A 02	do	Mayor, Dozier, Ala. 36028	Sept. 20, 1974.
Do	Escambia	Brewton, city of	H 010072A 01 through H 010072A 05	do	Mayor, P.O. Box 368, Brewton, Ala. 36426.	Dec. 7, 1973. Dec. 26, 1975.
Do	Etowah	Attalla, city of	H 010079A 01 through H 010079A 03	do	Mayor, 612 North 4th St., Attalla, Ala. 35954.	Dec. 28, 1973. Dec. 26, 1975.
Do	Houston	Columbia, town of.	H 010101 01 through H 010101 02	do	Mayor, P.O. Box 250, Columbia, Ala. 36319.	Feb. 20, 1976.
Do	Jefferson	Brookside, town of.	H 010118A 01	do	Mayor, Box 142, Brookside, Ala. 35036.	Aug. 23, 1974.
Do	do	Lipscombe, city of.	H 010126A 01 through H 010126A 04	do	Mayor, 513 Avenue 8, Lipscombe, Ala. 35020.	June 14, 1974.
Do	Talladega	Childersburg, city of.	H 010197A 01	do	Mayor, City Hall, Childersburg, Ala. 35044.	Do. Dec. 26, 1975.
Do	Cullman	Cullman, city of	H 010209A 01 through H 010209A 06	do	Mayor, P.O. Box 278, Cullman, Ala. 35055.	Aug. 9, 1974.
Do	Geneva	Unincorporated areas.	H 010258 01 through H 010258 32	do	Probate Judge, Geneva County Courthouse, Geneva, Ala. 36340.	Feb. 20, 1976.
Arizona	Coconino	Fredonia, town of	H 040021A 01	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, Box 398, Town Hall, Fredonia, Ariz. 86022.	June 7, 1974. Dec. 26, 1975.
Do	Gila	Winkleman, town of.	H 040031A 01	do	Mayor, 113 Griffin Ave., Town Hall, Winkleman, Ariz. 85292.	Jan. 23, 1974. Dec. 26, 1975.
Arkansas	Crittenden	Earle, city of	H 050054A 01 through H 050054A 02	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Drive, Room 308, Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Earle, Ark. 72331	Oct. 12, 1973. Dec. 26, 1975.
Do	Franklin	Charleston,	H 050080A 01	do	Mayor, City Hall, Charleston, Ark. 72933.	Mar. 1, 1974. Dec. 26, 1975.
Do	St. Francis	Forrest City, city of.	H 050187A 01 through H 050187A 05	do	Mayor, City Hall, Forrest City, Ark. 72335.	Mar. 15, 1974. Dec. 26, 1975.
California	Contra Costa	Clayton, city of	H 060027A 01 through H 060027A 02	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, Center and Oak Sts., City Hall, Clayton, Calif. 94517.	May 17, 1974. Dec. 26, 1975.
Do	Mendocino	Point Arena, city of.	H 060185A 01	do	Mayor, 247 Main St., City Hall, Point Arena, Calif. 95468.	Oct. 18, 1974. Dec. 26, 1975.
Do	San Francisco	Loma Linda, city of.	H 065042A 01 through H 065042A 03	do	Mayor, 11128 Anderson St., City Hall, Loma Linda, Calif. 92354.	June 14, 1974. Dec. 26, 1975.
Colorado	Fremont	Florence, city of	H 080070A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Manager, City Hall, Florence, Colo. 81226.	May 17, 1974. Dec. 26, 1975.
Do	Gunnison	Gunnison, city of	H 080080A 01 through H 080080A 02	do	Mayor, P.O. Box 239, City Hall, Gunnison, Colo. 81230.	Mar. 22, 1974. Dec. 26, 1975.
Do	Mesa	Collbran, town of	H 080116A 01	do	Mayor, Town Hall, Collbran, Colo. 81624.	Aug. 30, 1974. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Rio Blanco	Rangely, town of	H 080152A 01	do	Mayor, 209 East Main St., P.O. Box 580, Rangely, Colo. 81648.	Apr. 12, 1974. Dec. 26, 1975.
Delaware	Kent	Frederica, town of.	H 100009A 01	Delaware Coordinating Agency, Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, P.O. Box 286, Frederica, Del. 19946.	May 17, 1974. Dec. 26, 1975.
Do	do	Wyoming, town of.	H 100020A 01	do	Mayor, Six Medallion Circle, Wyoming, Del. 19934.	May 24, 1974. Dec. 26, 1975.
Do	New Castle	Wilmington, city of.	H 100028A 01 through H 100028A 05	do	Mayor, Public Bldg., 10th and King Sts., Wilmington, Del. 19801.	May 31, 1974. Dec. 26, 1975.
Do	Kent and Sussex	Milford, city of	H 100042A 01 through H 100042A 02	do	Mayor, P.O. Box 159, Milford, Del. 19963.	May 24, 1974. Dec. 26, 1975.
Do	Sussex	South Bethany, town of.	H 100051A 01	do	Mayor, South Bethany, Del. 99930	May 31, 1974. Dec. 26, 1975.
Georgia	Brooks	Quitman, city of	H 130015A 01 through H 130015A 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Chairman, City Commission, Box 208, Quitman, Ga. 31643.	Mar. 29, 1974. Dec. 26, 1975.
Do	Polk	Rockmart, city of	H 130154 01 through H 130154 03	do	Mayor, 334 Elm St., Rockmart, Ga. 30153.	Feb. 20, 1976.
Do	Walton	Unincorporated areas.	H 130184 01 through H 130184 29	do	Chairman, County of Walton, Route 2, Monroe, Ga. 30655.	Do.
Do	Camden	Kingsland, town of.	H 130238 01 through H 130238 02	do	Mayor, P.O. Box 397, Kingsland, Ga. 31548.	Do.
Do	Baker	Unincorporated areas.	H 130270A 01 through H 130270A 28	do	County Clerk, County of Baker, County Courthouse, Newton, Ga. 31770.	Mar. 28, 1975. Dec. 26, 1975.
Do	Chattahoochee	do	H 130293 01 through H 130293 22	do	Chairman, County of Chattahoochee, P.O. 217, Cusseta, Ga. 31805.	Feb. 20, 1976.
Do	Stephens	do	H 130391 01 through H 130391 16	do	Chairman, County Commissioners, County of Stephens, Courthouse Annex, Toccoa, Ga. 30577.	Do.
Do	Fayette	do	H 130432 01 through H 130432 17	do	Chairman, County of Fayette, 200 Courthouse, Square, Fayetteville, Ga. 30215.	Do.
Idaho	Idaho	White Bird, city of	H 160072A 01	Department of Water Administration, State House Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, White Bird, Idaho 83554.	Sept. 13, 1974. Dec. 26, 1975.
Do	Latah	Troy, city of	H 160091A 01	do	Mayor, City Hall, Troy, Idaho 83871	May 10, 1974. Dec. 26, 1975.
Illinois	Champaign	Champaign, city of.	H 170026A 01 through H 170026A 06	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 102 North Neil St., Champaign, Ill. 61820.	May 3, 1974. Dec. 26, 1975.
Do	Cook	Chicago Ridge villege of.	H 170076A 01 through H 170076A 02	do	Village President, 10655 South Oak, Chicago, Ridge, Ill. 60415.	Mar. 22, 1974. Dec. 26, 1975.
Do	Du Page	Clarendon Hills villege of.	H 170203A 01	do	Village President, 1 North Prospect Ave., Clarendon Hills, Ill. 60514.	Mar. 8, 1974. Dec. 26, 1975.
Do	Franklin	Christopher, city of.	H 170238A 01	do	Mayor, 110 North Victor St., Christopher, Ill. 62822.	Mar. 29, 1974. Dec. 16, 1975.
Do	Jackson	Makanda, village of.	H 170301A 01 through H 170301A 03	do	Village President, Village Hall, Makanda, Ill. 62958.	Aug. 23, 1974. Dec. 26, 1975.
Do	Randolph	Chester, city of	H 170576A 01 through H 170576A 03	do	Mayor, P.O. Box 6, Chester, Ill. 62233.	Apr. 12, 1974. Dec. 26, 1975.
Do	do	Evansville, village of.	H 170577A 01	do	Village President, P.O. Box 36, Evansville, Ill. 62242.	Mar. 1, 1974.
Do	Warren	Monmouth, city of.	H 170676A 01 through H 170676A 02	do	Mayor, 112 North Main St., Monmouth, Ill. 61462.	Do.
Do	Fulton	Ipava, village of	H 170756A 01	do	Village President, Box 252, Ipava, Ill. 61441.	Jan. 31, 1975.
Do	Peoria	Kingston Mines, village of.	H 170758A 01	do	Village President, Kingston Mines, Ill. 61539.	Dec. 28, 1973. Dec. 26, 1975.
Indiana	Clark	Jeffersonville, city of.	H 180027A 01 through H 180027A 04	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, Jeffersonville, Ind. 47130	June 14, 1974. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Henry	Knightstown, city of.	H 180090A 01	do	President of the Board, Knightstown, Ind. 46148.	Nov. 30, 1973. Dec. 26, 1975.
Do	Jackson	Medora, town of	H 180098A 01	do	President of Council, Route 1, Medora, Ind. 47260.	Nov. 23, 1973. Dec. 26, 1975.
Do	Martin	Loogootee, city of	H 180165A 01	do	Mayor, Box 276, Loogootee, Ind. 47553.	June 28, 1974. Dec. 26, 1975.
Do	Montgomery	Ladoga, town of	H 180172A 01	do	Chairman, Town Board, Ladoga, Ind. 47954.	May 24, 1974. Dec. 26, 1975.
Do	Noble	Kendallville, city of.	H 180185A 01	do	Mayor, City Hall, Kendallville, Ind. 46755.	June 14, 1974. Dec. 26, 1975.
Do	Grant	Matthews, town of.	H 180329A 01	do	Head of Board, Town Hall, Matthews, Ind. 46957.	Dec. 28, 1973.
Do	do	Mauckport, town of.	H 180403A 01	do	President of the Council, Mauckport, Ind. 47142.	Dec. 7, 1973.
Iowa	Butler	New Hartford, city of.	H 190038A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, 50319.	Mayor, City Hall, New Hartford, Iowa 50660.	May 31, 1974. Dec. 26, 1975.
Do	Carroll	Manning, city of	H 190046A 01 through H 190046A 02	do	Mayor, City Hall, Manning, Iowa 51455.	Aug. 23, 1974. Dec. 26, 1975.
Do	Crawford	Deloit, city of	H 190095A 01	do	Mayor, City Hall, Deloit, Iowa 51441	Aug. 30, 1974. Dec. 26, 1975.
Do	Crawford	Manilla, city of	H 190099A 01	do	Mayor, City Hall, Manilla, Iowa 51454.	June 28, 1974. Dec. 26, 1975.
Do	Hardin	Alden, city of	H 190138A 01	do	Mayor, City Hall, Alden, Iowa 50006	June 21, 1974. Dec. 26, 1975.
Do	Harrison	Missouri Valley, city of.	H 190147A 01 through H 190147A 02	do	Mayor, City Hall, Missouri Valley, Iowa 51555.	Apr. 12, 1974. Dec. 26, 1975.
Do	Jefferson	Fairfield, city of	H 190168A 01 through H 190168A 03	do	Mayor, City Hall, Fairfield, Iowa 52556.	June 28, 1974. Dec. 26, 1975.
Do	Page	Shenandoah, city of.	H 190220A 01 through H 190220A 02	do	Mayor, City Hall, Shenandoah, Iowa 51601.	June 28, 1974. Dec. 26, 1975.
Do	Plymouth	Hinton, city of	H 190224A 01	do	Mayor, City Hall, Hinton, Iowa 51024.	Sept. 6, 1974. Dec. 26, 1975.
Do	Pottowattamie	Hancock, city of	H 190236A 01	do	Mayor, City Hall, Hancock, Iowa 51536.	Aug. 30, 1974. Dec. 26, 1975.
Do	Story	Maxwell, city of	H 190257A 01	do	Mayor, City Hall, Maxwell, Iowa 50161.	June 28, 1974. Dec. 26, 1975.
Do	Wright	Dows, city of	H 190305A 01	do	Mayor, City Hall, Dows, Iowa 50071	June 21, 1974. Dec. 26, 1975.
Kansas	Franklin	Pomona, city of	H 200105A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Pomona, Kans. 66076.	Feb. 8, 1974. Dec. 26, 1975.
Do	Jefferson	Perry, city of	H 200153A 01	do	Mayor, City Hall, Perry, Kans. 66073	Dec. 7, 1973. Dec. 26, 1975.
Do	Linn	La Cygne, city of	H 200196A 01	do	Mayor, P.O. Box 600, City Hall, La Cygne, Kans. 66040.	Mar. 15, 1974. Dec. 26, 1975.
Do	Nemaha	Goff, city of	H 200239A 01	do	Mayor, City Hall, Goff, Kans. 66428	Nov. 8, 1974. Dec. 26, 1975.
Do	Pottawatomie	Wamego, city of	H 200276A 01	do	Mayor, City Hall, P.O. Box 86, Wamego, Kans. 66547.	Dec. 7, 1973. Dec. 26, 1975.
Do	do	Westmoreland, city of.	H 200277A 01	do	Mayor, Main St., City Hall, Westmoreland, Kans. 66549.	Mar. 8, 1974. Dec. 26, 1975.
Do	Seward	Liberal, city of	H 200330A 01 through H 200330A 02	do	Mayor, City Hall, 325 North Washington, Liberal, Kans. 67901.	Mar. 1, 1974. Dec. 26, 1975.
Do	Sherman	Goodland, city of	H 200338A 01 through H 200338A 02	do	Mayor, City Hall, 204 West 11th St., Goodland, Kans. 67735.	Feb. 15, 1974. Dec. 26, 1975.
Louisiana	Avoyelles Parish	Plaucheville, village of.	H 220024A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Plaucheville, La. 71362.	Aug. 30, 1974. Dec. 26, 1975.
Do	Beauregard Parish.	Merryville, town of.	H 220028A 01 through H 220028A 02	do	Mayor, Town Hall, Merryville, La. 70653.	May 24, 1974. Dec. 26, 1975.
Do	Iberville Parish	Rosedale, village of.	H 220087A 01	do	Mayor, Village Hall, Rosedale, La. 70772.	Dec. 7, 1973. Dec. 26, 1975.
Do	Rapides Parish	Alexandria, city of.	H 220146A 01 through H 220146A 06	do	Mayor, City Hall, Alexandria, La. 71301.	Aug. 2, 1974. Dec. 26, 1975.
Do	Richland Parish	Rayville, town of.	H 220157A 01 through H 220157A 02	do	Mayor, Town Hall, Rayville, La. 71269.	May 10, 1974. Dec. 26, 1975.
Do	St. Tammany Parish.	Abita Springs, town of.	H 220199A 01 through H 220199A 02	do	Mayor, Town Hall, Abita Springs, La. 70420.	May 17, 1974. Dec. 26, 1975.
Do	Washington Parish.	Franklinton, town of.	H 220233A 01 through H 220233A 04	do	Mayor, Town Hall, Franklinton, La. 70438.	Nov. 9, 1973. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Maine	Androscoggin	Mechanic Falls, town of.	H 230007A 01 through H 230007A 04	Office of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Mayor, Town Hall, Mechanic Falls, Maine 04256.	Feb. 15, 1974. Dec. 26, 1975.
Maryland	Frederick	Brunswick, town of.	H 2400028A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, 20 A St., Brunswick, Md. 21716.	June 28, 1974.
Do	Wicomico	Sharptown, town of.	H 240081A 01	do	President of Council, Sharptown, Md. 21861.	Aug. 9, 1974.
Do	Worcester	Pocomoke City, city of.	H 240084A 01	do	Mayor, P.O. Box 29, Pocomoke City, Md. 21851.	Apr. 5, 1974. Dec. 26, 1975.
Do	Dorchester	Eldorado, town of.	H 240105A 01	do	Mayor, Town of Eldorado, Rhodesdale, Md. 21659.	Dec. 6, 1974.
Minnesota	Brown	Comfrey, city of	H 270035A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Comfrey, Minn. 56019.	Sept. 20, 1974. Dec. 26, 1975.
Do	Crow Wing	Cross Lake, city of.	H 270095A 01 through H 270095A 12	do	Mayor, Route No. 1, Crosslake, Minn. 56442.	Sept. 13, 1974. Dec. 26, 1975.
Do	Itasca	Warba, city of	H 270210A 01 through H 270210A 02	do	Mayor, City Hall, Warba, Minn. 55793.	Sept. 13, 1974. Dec. 26, 1975.
Do	Koochiching	Ranier, city of	H 270238 01	do	Mayor, Ranier, Minn. 56668	Aug. 9, 1974.
Missouri	Audrain	Vandalia, city of	H 290020A 01 through H 290020A 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, 201 East Park St., Vandalia, Mo. 63382.	May 17, 1974. Dec. 26, 1975.
Do	Grundy	Trenton, City of	H 290153A 01 through H 290153A 03	do	Mayor, 113 East 10th St., Trenton, Mo. 64683.	Feb. 15, 1974. Dec. 26, 1975.
Do	Lawrence	Mt. Vernon, city of.	H 290202A 01 through H 290202A 02	do	Mayor, City Hall, Mount Vernon, Mo. 65712.	May 24, 1974. Dec. 26, 1975.
Do	McDonald	Anderson, city of	H 290217A 01 through H 290217A 02	do	Mayor, Box N. City Hall, Anderson, Mo. 64831.	May 17, 1974. Dec. 26, 1975.
Do	Newton	Neosho, city of	H 290265A 01 through H 290265A 04	do	Mayor, City Hall, 221 North College, Neosho, Mo. 64850.	Jan. 16, 1974. Dec. 26, 1975.
Do	Polk	Bolivar, city of	H 290299A 01 through H 290299A 06	do	Mayor, City Hall, 116 East Jefferson, Bolivar, Mo. 65613.	Mar. 15, 1974. Dec. 26, 1975.
Do	St. Louis	Mary Ridge, village of.	H 290369A 01	do	Chairman, Village Hall, 3500 Westridge Lane, Mary Ridge, Mo. 63074.	Apr. 5, 1974. Dec. 26, 1975.
Do	Saline	Nelson, city of	H 290405A 01	do	Mayor, City Hall, Nelson, Mo. 65347	Oct. 18, 1974. Dec. 26, 1975.
Do	Scott	Commerce, city of.	H 290410A 01	do	Mayor, City Hall, Commerce, Mo. 63742.	Nov. 8, 1974. Dec. 26, 1975.
Do	Stoddard	Essex, city of	H 290425A 01	do	Council Chairman, City Hall, Essex, Mo. 63344.	Sept. 6, 1974. Dec. 26, 1975.
Do	Texas	Cabool, city of	H 290439A 01	do	Mayor, 618 Main St., City Hall, Cabool, Mo. 65689.	May 3, 1974. Dec. 26, 1975.
Do	Wright	Mansfield, city of.	H 290455A 01	do	Mayor, City Hall, Mansfield, Mo. 65704.	Apr. 5, 1974. Dec. 26, 1975.
Do	St. Louis	Flordell Hills, city of.	H 290457A 01	do	Mayor, City Hall, 5645 Jennings Rd., Flordell Hills, Mo. 63136.	May 3, 1974. Dec. 26, 1975.
Do	Oregon	Thayer, city of	H 290267A 01 through H 290267A 02	do	Mayor, City Hall, 2d and Market, Box 76, Thayer, Mo. 65791.	Mar. 8, 1974. Dec. 26, 1975.
Montana	Powder River	Broadus, town of	H 300058A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	City Clerk, Town Hall, Broadus, Mont. 59317.	Aug. 23, 1974. Dec. 26, 1975.
Nebraska	Boone	Albion, city of	H 310009A 01 through H 310009A 02	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Albion, Nebr. 68620.	Apr. 12, 1974.
Do	Buffalo	Ravenna, city of	H 310018A 01	do	Mayor, City Hall, Ravenna, Nebr. 68869.	June 7, 1974. Dec. 26, 1975.
Do	Burt	Lyons, city of	H 310022A 01	do	Mayor, City Hall, Lyons, Nebr. 68038.	Jan. 9, 1974. Dec. 26, 1975.
Do	Clay	Edgar, city of	H 310042A 01	do	Mayor, City Hall, Edgar, Nebr. 68935.	Apr. 12, 1974. Dec. 26, 1975.
Do	Douglas	Ralston, city of	H 310077A 01 through H 310077A 02	do	Mayor, City Hall, Ralston, Nebr. 68127.	Jan. 23, 1974. Dec. 26, 1975.
Do	do	Valley, city of	H 310078A 01	do	Mayor, City Hall, Valley, Nebr. 68064.	May 17, 1974. Dec. 26, 1975.
Do	Lancaster	Waverly, city of	H 310140A 01	do	Mayor, City Hall, Waverly, Nebr. 68462.	Dec. 17, 1973. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Otoe	Palmyra, village of.	H 310165A 01	do	Mayor, Village Hall, Palmyra, Nebr. 68418.	Sept. 6, 1974. Dec. 26, 1975.
Do	Saline	Wilber, city of	H 310189A 01	do	Mayor, City Hall, Wilber, Nebr. 68465.	Dec. 28, 1973. Dec. 26, 1975.
Do	Saunders	Prague, village of	H 310202A 01	do	Chairman, Village Hall, Prague, Nebr. 68050.	Nov. 15, 1974. Dec. 26, 1975.
Do	Scott Bluff	Terrytown, village of.	H 310207A 01	do	Chairman, Village Hall, Terrytown, Nebr. 69341.	Dec. 17, 1973.
Do	Thurston	Walthill, village of.	H 310222A 01	do	Chairman, Village Hall, Walthill, Nebr. 68067.	May 3, 1974. Dec. 26, 1975.
Do	do	Winnebago, village of.	H 310223A 01	do	Chairman, Village Hall, Winnebago, Nebr. 68071.	Apr. 5, 1974. Dec. 26, 1975.
Nevada	Clark	Boulder City, city of.	H 320004A 01 through H 320004A 10	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	City Manager, City Hall, Boulder City, Nev. 89005.	June 28, 1974. Dec. 26, 1975.
New Jersey	Monmouth	Atlantic Highlands, borough of.	H 340286 01 through H 340286 04	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 100 1st Ave., Atlantic Highlands, N.J. 07716.	Feb. 20, 1976.
New York	Broome	Chenango, town of.	H 360040B 01 through H 360040B 09	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Chenango, 1137 Front St., Binghamton, N.Y. 13905.	Mar. 8, 1974. Feb. 7, 1975. Dec. 26, 1975.
Do	Chenango	Greene, village of	H 360159 01	do	Mayor, Box 207, Greene, N.Y. 13778	Feb. 20, 1976.
Do	Erie	Hamburg town of.	H 360244A 01 through H 360244A 11	do	Town Supervisor, Town Hall, South Park Ave., Hamburg, N.Y. 14175.	Aug. 30, 1974. Dec. 26, 1975.
Do	Niagara	Middleport, village of.	H 360505A 01	do	Mayor, P.O. Box 86, Middleport, N.Y. 14105.	May 31, 1974. Dec. 26, 1975.
Do	Onondaga	Syracuse, city of	H 360595A 01 through H 360595A 08	do	Mayor, City Hall, Syracuse, N.Y. 13202.	Apr. 12, 1974. Dec. 26, 1975.
Do	Saratoga	Galway, town of	H 360716A 01 through H 360716A 12	do	Town Supervisor, Galway, N.Y. 12074.	June 14, 1974. Dec. 26, 1975.
Do	Seneca	Covert, town of	H 360751A 01 through H 360751A 04	do	Town Supervisor, Town of Covert, Rural Delivery No. 1, Interlaken, N.Y. 14847.	July 19, 1974. Dec. 26, 1975.
Do	Westchester	Rye, town of	H 360930A 01 through H 360930A 02	do	Town Supervisor, Town of Rye, 10 Pearl St., Port Chester, N.Y. 10573.	Dec. 28, 1973. Dec. 26, 1975.
Do	Yates	Dresden, village of.	H 360956 01	do	Mayor, Village Hall, Dresden, N.Y. 14441.	Feb. 20, 1976.
Do	St. Lawrence	Clifton, town of	H 361173A 01 through H 361173A 10	do	Town Supervisor, Town of Clifton, Newton Falls, N.Y. 13666.	Nov. 29, 1974. Dec. 26, 1975.
North Carolina	Wake	Garner, town of	H 370240A 01 through H 370240A 06	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Joe G. Creech, P.O. Box 446, Garner, N.C. 27529.	July 19, 1974. Dec. 26, 1975.
North Dakota	Hettinger	Mott, city of	H 380038A 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Carolina Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, P.O. Box 732, City Hall, Mott, N. Dak. 58646.	Jan. 9, 1974. Dec. 26, 1975.
Do	McLean	Garrison, city of	H 380059A 01	do	Mayor, City Hall, Garrison, N. Dak. 58540.	Apr. 12, 1974. Dec. 26, 1975.
Do	Nelson	Lakota, city of	H 380075A 01	do	Mayor, City Hall, Lakota, N. Dak. 58344.	May 3, 1974. Dec. 26, 1975.
Ohio	Lake	Madison, village of.	H 390316A 01 through H 390316A 02	Ohio Department of Natural Resources, Fountain Square, Flood Insurance Coordinator Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Box 6, Madison, Ohio 44057	May 10, 1974. Dec. 26, 1975.
Do	Geauga	South Russell, village of.	H 390740A 01 through H 390740A 02	do	Mayor, Village of South Russell, 1216 Bell Rd., Chagrin Falls, Ohio 44022.	July 11, 1975.
Oklahoma	Creek	Bristow, city of	H 400051A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, 8th and Main, City Hall, Bristow, Okla. 74010.	June 28, 1974. Dec. 26, 1975.
Do	Jefferson	Waurika, city of	H 400076A 01 through H 400076A 05	do	Mayor, 107 West East Ave., City Hall, Waurika, Okla. 73574.	June 28, 1974. Dec. 26, 1975.
Do	Okmulgee	Okmulgee, city of	H 400145A 01 through H 400145A 04	do	City Manager, 115 North Morton, P.O. Box 250, Okmulgee, Okla. 74447.	Feb. 1, 1974.
Do	Rogers	Inola, city of	H 400456A 01	do	President City Hall, P.O. Box 249, Inola, Okla. 74036.	May 10, 1974. Dec. 26, 1975.
Do	Washington	Dewey, city of	H 400221A 01	do	M.D., P.O. Box 97, Dewey, Okla. 74029.	May 31, 1974. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Woods	Waynoka, city of	H 400228A 01	do	Mayor, 201 East Cecil, Waynoka, Okla. 73860.	May 24, 1974. Dec. 26, 1975.
Oregon	Benton	Corvallis, city of	H 410009A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Public Works Director, Assistant City Manager, City Hall, Corvallis, Oreg. 97330.	June 14, 1974. Dec. 26, 1975.
Do.	Grant	John Day, city of	H 410077A 01 through H 410077A 02	do	Mayor, City Hall, John Day, Oreg. 97845.	Mar. 22, 1974. Dec. 26, 1975.
Do.	Jackson	Shady Cove, city of.	H 410099A 01	do	Mayor, City Hall, Shady Cove, Oreg. 97539.	Aug. 23, 1974. Dec. 26, 1975.
Do.	Lincoln	Toledo, city of	H 410133B 01 through H 410133B 02	do	Mayor, City Hall, Toledo, Oreg. 97391.	Sept. 14, 1973. Mar. 29, 1974. Dec. 26, 1975.
Do.	Umatilla	Adams, city of	H 410205A 01	do	Mayor, City Hall, Adams, Oreg. 97810.	Aug. 30, 1974. Dec. 26, 1975.
Do.	do	Echo, city of	H 410207A 01	do	Mayor, City Hall, Echo, Oreg. 97826.	Sept. 13, 1974. Dec. 26, 1975.
Do.	Yamhill	Willamina, city of	H 410258A 01	do	Mayor, City Hall, Willamina, Oreg. 97396.	Dec. 28, 1973. Dec. 26, 1975.
Pennsylvania	Dauphin	Steelton, borough of.	H 420396A 01 through H 420396A 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 123 North Front St., Steelton, Pa. 17113.	Aug. 31, 1973. Dec. 26, 1975.
Do.	Lawrence	New Castle, city of.	H 420568A 01 through H 420568A 17	do	Mayor, City Bldg., New Castle, Pa. 16101.	June 21, 1974. Dec. 26, 1975.
Do.	Somerset	Paint, borough of	H 420800A 01	do	President, Borough Council, Borough of Paint, 300 Hoffman St., Windber, Pa. 15963.	July 26, 1974. Dec. 26, 1975.
Do.	Allegheny	Penn Hills, township of.	H 421092A 01 through H 421092A 06	do	Township Supervisors, Township of Penn Hills, Penn Hills, Pa. No ZIP.	Sept. 20, 1974.
Do.	Fulton	Dublin, township of.	H 421661A 01 through H 421661A 12	do	Chairman, Board of Supervisors, Township of Dublin, Star Route North, McConnellsburg, Pa. 17233.	Dec. 20, 1974. Dec. 26, 1975.
Do.	Beaver	Big Beaver, borough of.	H 422307A 01 through H 422307A 06	do	Mayor, Borough of Big Beaver, Rural Delivery No. 2, Darlington, Pa. 16115.	Jan. 31, 1975. Dec. 26, 1975.
Texas	Bell	Holland, city of	H 480030A 01 through H 480030A 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Secretary, City Hall, Holland, Tex. 76534.	June 14, 1974. Dec. 26, 1975.
Do.	Gillespie	Fredericksburg, city of.	H 480252A 01 through H 480252A 04	do	Mayor, City Hall, 126 West Main, Fredericksburg, Tex. 78624.	Apr. 12, 1974. Dec. 26, 1975.
Do.	Hall	Turkey, city of	H 480280A 01	do	Mayor, P.O. Box 415, City Hall, Turkey, Tex. 79261.	June 28 1974. Dec. 26, 1975.
Do.	Yoakum	Denver, city of	H 480682A 01	do	Mayor, 3d and Main, P.O. Box J, City Hall, Denver City, Tex. 79323.	May 24, 1974. Dec. 26, 1975.
Utah	Cache	Smithfield, city of.	H 490029A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Smithfield, Utah 84335.	June 28, 1974. Dec. 26, 1975.
Do.	do	Wellsville, city of	H 490031A 01	do	Mayor, City Hall, Wellsville, Utah 84339.	June 21, 1974. Dec. 26, 1975.
Do.	Davis	East Layton, city of.	H 490031A 01	do	Mayor, City Hall, 1650 East Rainbow Dr., East Layton, Utah 84041.	June 28, 1974. Dec. 26, 1975.
Do.	Emery	Ferron, town of	H 490061A 01	do	Town President, Town Hall, Ferron, Utah 84523.	May 24, 1974. Dec. 26, 1975.
Do.	do	Huntington, city of.	H 490063A 01	do	Mayor, City Hall, Huntington, Utah 84528.	May 24, 1974.
Do.	Grand	Moab, city of	H 490072A 01 through H 490072A 02	do	Mayor, City Hall, Moab, Utah 84532.	June 21, 1974. Dec. 26, 1975.
Virginia	Patrick	Unincorporated areas.	H 510252A 01 through H 510252A 31	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Bldg., 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	County Administrator, County of Patrick, P.O. Box 466, Richmond, Va. 23230.	Jan. 24, 1975. Dec. 26, 1975.
Washington	Clark	Battle Ground, town of.	H 530025A 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Town Attorney at Law, P.O. Box 96, Battle Ground, Wash. 98604.	May 24, 1974. Dec. 26, 1975.
Do.	Douglas	Waterville, town of.	H 530040A 01	do	Mayor, 105 North Chelan Ave., Town Hall, Waterville, Wash. 98858.	May 24, 1974. Dec. 26, 1975.
Do.	King	Pacific, city of	H 530086A 01	do	Mayor, 133 3d SE., City Hall, Pacific, Wash. 98047.	June 28, 1974. Dec. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Okanogan	Twisp, town of	H 530124A 01 through H 530124A 02	do	Mayor, P.O. Box 278, Town Hall, Twisp, Wash 98856.	June 28, 1974. Dec. 26, 1975.
Do	Pierce	Gig Harbor, town of.	H 530142A 01	do	Mayor, 7716 Pioneer Way, P.O. Box 145, Town Hall, Gig Harbor, Wash. 08335.	June 28, 1974. Dec. 26, 1975.
Do	Snohomish	Lynnwood, city of.	H 530167A 01 through H 530167A 05	do	Mayor, 44th Ave., West, City Hall, 19100 Lynnwood, Wash. 98036.	June 28, 1974. Dec. 26, 1975.
Do	Whitman	Palouse, city of	H 530211A 01	do	Mayor, Box 248, City Hall, Palouse, Wash. 99161.	May 24, 1974. Dec. 26, 1975.
West Virginia	Brooke	Follansbee, city of	H 540013 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Bldg., No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, City Hall, Follansbee, W. Va. 26037.	Feb. 20, 1976.
Wisconsin	Adams	Unincorporated areas.	H 550001 01 through H 550001 43	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Chairman Adams County, Route 1, Grand Marsh, Wis. 53936.	Do.
Do	Iowa	Barneveld, village of.	H 550174A 01	do	Village President, Box 12, Barneveld, Wis. 53507.	May 17, 1974. Dec. 26, 1975.

(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).

Issued December 31, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–1124 Filed 1–14–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15289; Amdt. No. 1003]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective February 26, 1976:*

Akron, CO—Akron-Washington County Arpt., VOR Rwy 27, Amdt. 1.
Alice, TX—Alice Int'l Arpt., VOR Rwy 31, Amdt. 5.
Alice, TX—Alice Int'l Arpt., VOR–A, Amdt. 8.
Beloit, WI—Beloit Arpt., VOR–A, Amdt. 1.
Boise, ID—Boise Air Terminal (Gowen Field), VOR Rwys 10L & R, Amdt. 17.
Boise, ID—Boise Air Terminal (Gowen Field), VOR/DME Rwys 10L & R, Amdt. 2.
Chandler, AZ—Stellar City Airpark, VOR Rwy 17, Amdt. 2.
Huntsville, AL—Huntsville-Madison County, Jetport-Carl T. Jones Field, VOR–A, Amdt. 8.
Jackson, MS—Allen C. Thompson, Field VOR–Rwy 15L, (TAC), Orig.
Jackson, MS—Allen C. Thompson Feld, VOR-TAC Rwy 33R, Orig.
Lancaster, CA—Gen. William J. Fox Airfield, VOR–A, Amdt. 3.
Macon, GA—Herbert Smart Downtown Arpt., VOR–A, Orig.
Macon, Ga—Herbert Smart Downtown Arpt., VOR/DME–A, Amdt. 6, cancelled.
Meadville, PA—Port Meadville Arpt., VOR Rwy 7, Amdt. 2.
Olivia, NM—Olivia Muni. Arpt., VORTAC–A, Orig.
Port Angeles, WA—Port Angeles CGAS, VOR–B, Orig.
Port Angeles, WA—Port Angeles CGAS, COPTER VOR 241, Orig.
Selinsgrove, PA—Pen Valley Arpt., VOR–A, Amdt. 2.
Truth or Consequences, NM—Truth or Consequences Muni. Arpt., VOR–A, Amdt. 7.

* * * *effective January 5, 1976:*

Palmdale, CA—Palmdale Production FLT/Test Instln AF Plant No. 42, VORTAC Rwy 25, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective February 26, 1976.*

Huntsville, AL—Huntsville-Madison County Jetport—Carl T. Jones Field, LOC Rwy 36L, Amdt. 1, cancelled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective February 26, 1976.*

Boise, ID—Boise Air Terminal (Gowen Field), NDB Rwys 10L & R, Amdt. 24
DuBois, PA—DuBois-Jefferson County Arpt., NDB Rwy 25, Amdt. 5.
Jackson, MS—Allen C. Thompson Field, NDB Rwy 15L, Orig.
Manila, AR—Manila Muni. Arpt., NDB Rwy 36, Amdt. 2
Port Angeles, WA—Port Angeles CGAS, NDB–C, Orig.

* * * *effective January 2, 1976:*

Worcester, MA—Worcester Muni. Arpt., NDB Rwy 29, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective February 26, 1976.*

Boise, ID—Boise Air Terminal (Gowen Field), ILS Rwy 10R, Amdt. 1.

DuBois, PA—DuBois-Jefferson County Arpt., ILS Rwy 25, Amdt. 2.
Huntsville, AL—Huntsville-Madison County Jetport-Carl T. Jones Field, ILS Rwy 36L, Orig.
Portland, OR—Portland Int'l Arpt., ILS Rwy 10R, Amdt. 24.

* * * *effective January 6, 1976:*

Huntsville, AL—Huntsville-Madison County Jetport-Carl T. Jones Field, ILS Rwy 18R, Amdt. 12.

* * * *effective January 5, 1976:*

Palmdale, CA—Palmdale Production FLT/Test Instln AF Plant No. 42, ILS Rwy 25, Amdt. 5.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective February 26, 1976.*

San Antonio, TX—San Antonio Int'l Arpt., RNAV Rwy 21L, Orig.
San Antonio, TX—San Antonio Int'l Arpt., RNAV Rwy 30L, Amdt. 4.
Winchester, VA—Winchester Muni. Arpt., RNAV Rwy 14, Orig.
Winchester, VA—Winchester Muni. Arpt., RNAV Rwy 32, Orig.

* * * *effective January 5, 1976:*

Palmdale, CA—Palmdale Production FLT/Test Instln AF Plant No. 42, RNAV Rwy 25, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 8, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.76-1180 Filed 1-14-76;8:45 am]

[Docket No. 15290; Special Federal Aviation Reg. No. 31]

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS

RELEASE OF SECURITY INFORMATION

The Federal Aviation Administrator has been designated as chairman of an advisory committee on airport security and has been requested to provide a report dealing with possible countermeasures to the threat of explosive devices placed in airports in the United States. The purpose of this Special Federal Aviation Regulation is to prohibit the unauthorized disclosure of information in, or obtained in connection with, his report or reports or records of the Advisory Committee on Airport Security established by the Secretary of Transportation.

Section 202 of the Transportation Security Act of 1974 added section 316(d) to the Federal Aviation Act of 1958. Section 316(d)(1) provides that the Administrator shall conduct such research (including behavioral research) and development as he may deem appropriate to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. Section 316(d)(2) provides that, notwithstanding section 552 of Title 5, United States Code, relating to freedom of information, the Administrator shall prescribe such regulations as he may deem necessary to prohibit disclosure of any information obtained or developed in the conduct of research and development activities under section 316(d)(2) if, in the opinion of the Administrator, the disclosure of such information—

(A) Would constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

(B) Would reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

(C) Would be detrimental to the safety of persons traveling in air transportation.

The Administrator has determined that the disclosure of information in, or obtained in connection with, his report or reports or records of the advisory committee would be detrimental to the safety of persons traveling in air transportation and may also come within section 316(d)(2) (A) and (B). Therefore, the Administrator has found that notice and public procedure thereon are impracticable and that good cause exists for making this special regulation effective immediately.

This special regulation is issued under the authority of section 316(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1357).

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted, effective January 9, 1976:

SPECIAL FEDERAL AVIATION REGULATION No. 31

Unless otherwise authorized by the Administrator, no person may disclose any information in, or obtained in connection with, reports or records of the Advisory Committee on Airport Security established by the Secretary of Transportation or any related reports of the Administrator.

Issued in Washington, D.C., on January 9, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc.76-1446 Filed 1-14-76;10:40 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

Animal and Plant Health Inspection Service

[9 CFR Part 92]

RESTRICTIONS ON IMPORTATION OF HORSES

Extension of Time for Submission of Comments

This notice extends the time period for submitting written comments, data, views and other information with respect to proposed restrictions on importation of all horses into the United States, as published in the FEDERAL REGISTER November 26, 1975 (40 FR 54802–54803), from December 30, 1975 to January 29, 1976. Certain representatives of importers of zoological animals have requested that the comment period be extended an additional 30 days in order to give them adequate time to obtain relevant data and information and to develop sound views and comments.

Since the Department is interested in receiving meaningful views and comments, these circumstances are considered ample justification for an extension of the time period originally allotted for submitting views and comments.

Therefore, written comments and other material relating to this matter may be submitted to the Deputy Administrator, Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, on or before January 29, 1976.

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

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76–1232 Filed 1–14–76;8:45 am]

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments; Correction

In FR Doc. 75–34873 appearing on page 59601 in the issue of Monday, December 29, 1975, there should be no effective date at the conclusion of the docket.

RICHARD L. FELTNER,
Assistant Secretary.

JANUARY 9, 1976.

[FR Doc.76–1196 Filed 1–14–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 83]

PERSONAL PROTECTIVE DEVICES

Withdrawal of Notice of Proposed Rulemaking; Notice of Proposed Rulemaking

Correction

In FR Doc. 76–643 appearing at page 1757 of the issue for Monday, January 12, 1976, make the following changes:

1. The headings should read as set forth above.

2. On page 1757, in the middle column, the first complete paragraph should read as follows:

It is therefore proposed to establish a new Part 83 and adopt the following regulations to be effective on the date of their republication in the FEDERAL REGISTER.

3. On page 1762, the middle column, the material following paragraph (g) up to the file line was inadvertently inserted and should be deleted.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–CE–21]

ESTABLISHMENT AND ALTERATION OF FEDERAL AIRWAYS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish an airway between Mason City, Iowa, and Dubuque, Iowa, and realign the north alternate of V–120 between Mason City and Waterloo, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before February 17, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS–230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendment would realign V–158 by deleting the Waterloo, Iowa, to Dubuque, Iowa, segment and designating V–158 between Dubuque and Mason City, Iowa, via INT Mason City 109° T (103° M) and Dubuque 293° T (289° M) radials. The north alternate of V–120, between Mason City, Iowa, and Waterloo, Iowa, would be realigned via INT Mason City 109° T (103° M) and waterloo 323° T (317° M) radials.[1]

There is sufficient use of the proposed routes to justify providing charted radials, distance and minimum en route altitudes between Mason City and Dubuque, Iowa.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 9, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–1181 Filed 1–14–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 205]

CIVIL AND CRIMINAL PENALTIES

Proposed Sanctions

On December 22, 1975, the Energy Policy and Conservation Act (the "EPCA") was enacted into law. Section 452 of that Act provides for an amendment to the Emergency Petroleum Allocation Act of 1973, as amended (the "EPAA"), which substantially revises the civil and criminal penalties that may be assesed for violations of regulations or orders issued under the Act. The Federal Energy Administration ("FEA") hereby gives notice of its intent to revise its regulations regarding the imposition of civil and criminal penalties to conform them to Section 452 and to provide for the implementation of that section.

[1] Map filed as part of the original document.

AMENDMENTS MADE BY THE EPCA

Section 5(a) of the EPAA adopted by reference the penalty provisions in Section 208 of the Economic Stabilization Act of 1970, as amended, which read as follows:

(a) whoever willfully violates any order or regulation under this title shall be fined not more than $5,000 for each violation.

(b) whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

Section 452 of the EPCA deletes Section 208 from among those sections of the Stabilization Act incorporated in Section 5(a) and adds new paragraphs (3) and (4) to Section 5(a) which read as follows:

(3)(A) Whoever violates any provision of the regulation under section 4(a) of this Act, or any order under this Act shall be subject to a civil penalty—

(i) with respect to activities relating to the production, distribution, or refining of crude oil, of not more than $20,000 for each violation;

(ii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than activities entirely at the retail level) of not more than $10,000 for each violation; and

(iii) with respect to activities—

(I) entirely relating to the distribution of residual fuel oil or any refined petroleum product at the retail level, or (II) activities not referred to in clause (i) or (ii) of subclause (I) of this clause,

of not more than $2,500 for each violation.

(B) Whoever willfully violates any provision of such regulation, or any such order shall be imprisoned not more than 1 year, or—

(i) with respect to activities relating to the production or refining of crude oil, shall be fined not more than $40,000 for each violation;

(ii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than at the retail level), shall be fined not more than $20,000 for each violation;

(iii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product at the retail level or any other person shall be fined not more than $10,000 for each violation;

or both.

(4) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of paragraph (3), shall be subject to penalties under this subsection without regard to any penalties to which that corporation may be subject under paragraph (3) except that no such individual director, officer, or agent shall be subject to imprisonment under paragraph (3), unless he also has knowledge, or reasonably should have known, of notice of noncompliance received by the corporation from the President.

Thus, Section 452 makes several significant changes with regard to penalties. First, it creates three classes of violations, with different penalties for each. In the first category are violations "with respect to activities relating to the production, distribution, or refining of crude oil," which violations are subject to a civil penalty of $20,000 per violation and a criminal penalty of $40,000.[1] Violations "with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than activities entirely at the retail level)" are subject to a civil penalty of $10,000 and a criminal penalty of $20,000, and all other violations, including particularly those with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product at the retail level, are subject to civil and criminal penalties of $2,500 and $10,000 respectively.

Second, Section 5(a)(3)(B) imposes for the first time, in lieu of or in addition to the fines that may be imposed for willful violations, a maximum term of imprisonment of one year.

Finally, the new section deals for the first time with the question of individual liability of corporate "directors, officers, or agents" for their participation in unlawful corporate activities. Paragraph (4) of Section 5(a) provides that a director, officer or agent of a corporation who knowingly and willfully "authorizes, orders, or performs" any act or practice which constitutes a violation shall be subject to the same penalties as those to which the corporation may be subject, except that no such person shall be subject to imprisonment unless he "also has knowledge, or reasonably should have known, of notice of noncompliance" received from the President or his delegate. The Joint Explanatory Statement of the Conference Committee makes it clear that paragraph (4) is not intended to change existing case law relating to the individual responsibility of corporate directors, officers or agents for violations of their corporations except with regard to the notice requirement before a term of imprisonment can be imposed.

PROPOSED CHANGES TO THE CURRENT REGULATIONS

Several changes to the current regulations are included in this proposal simply to conform the FEA's procedural regulations to the requirements of new paragraphs (3) and (4) of Section 5(a). In addition, several amendments are being proposed to clarify the FEA's intended application of these new provisions of the EPAA.

First, the proposed amendments to FEA's procedural regulations include a section designed to put the public on notice as to how the FEA intends to interpret Section 5(a)(3) and apply the various categories of violations to particular cases. These amendments are proposed because there may be some confusion as to precisely what conduct constitutes, for example, an activity "relating to the * * * refining of crude oil," and how, in the case of a refiner, such activity might be distinguished from, for example, an activity "relating to the distribution of residual fuel oil or any refined petroleum product" at either the wholesale or retail level.

The proposed regulations provide that activities relating to the "production, distribution, or refining of crude oil" include in effect all pricing and allocation violations by those persons or firms engaged in the production and distribution of crude oil, and those violations by refiners which relate in general to: (1) any provisions of the regulations relating to the allocation of crude oil, including violations of regulations relating to the old crude oil allocation, or "entitlements," program; and (2) any provisions of the pricing regulations, including reporting requirements, insofar as they involve improper accounting for input costs, including but not limited to the cost of crude oil, and unlawful prices charged for crude oil that is resold before being refined.

Thus, by so limiting the definition of "production, distribution, or refining of crude oil," a refiner falls into the second and third categories in the case of violations relating only to the allocation obligations of that refiner applicable to residual fuel oil and refined petroleum products or of violations of provisions of the pricing regulations applicable to residual fuel oil and refined products that are not the result of an improper computation or allocation of input costs. In short, the FEA intends to treat refiners as being in the second and third categories with respect to activities similar to those performed by wholesalers and retailers of residual fuel oil and refined petroleum products, but otherwise to treat them as being in the first category.

Second, the proposed amendments clarify the new provision relating to the individual liability of corporate directors, officers or agents by making it clear that the term "agent" includes all employees or other persons acting either with or without authority on behalf of a corporation on either a temporary or permanent basis and that notice to such corporate directors, officers or agents does not have to constitute a definitive finding on the part of the FEA that a violation by the corporation has occurred.

Finally, the regulations define the term "sales at retail" as including any sale made to the ultimate consumer of residual fuel oil or a refined petroleum product.

OPPORTUNITY FOR COMMENT AND PUBLIC HEARING

Interested persons are invited to participate in this rulemaking by submitting

[1] The word "distribution" is included in the description of the first category only with respect to civil penalties, but does not appear in the description with regard to criminal penalties. Since there is no indication in the Conference Report on the EPCA that a distinction was intended to be drawn and there is no apparent reason why such a distinction would be drawn, FEA has tentatively concluded, pending review of comments submitted on the issue, that the omission of the word "distribution" with regard to criminal penalties was merely inadvertent and has in effect proposed herein that crude oil marketers that are neither producers nor refiners be included in the category of persons subject to criminal penalties of up to $40,000 per violation.

written comments and other data with respect to the proposed regulation to Executive Communications, Room 3309, Federal Energy Administration, Box FI, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Penalty Provisions." Fifteen copies should be submitted. All comments received by 4:30 p.m., January 30, 1976 and all other relevant information will be considered by the FEA before final action is taken on the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR § 205.9(f). The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Although the FEA does not intend to adopt a final rule until it has had the opportunity to receive and evaluate written comments on the proposal, the FEA intends to make the rule that is finally adopted effective retroactively to December 22, 1975, the date of enactment of the Energy Policy and Conservation Act of 1975.

Since the proposed regulation is essentially for the purpose of conforming the current procedural regulations to the new penalty provisions enacted by Congress, standing alone it is not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Therefore, no public hearing for the oral presentation of views will be held.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and 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, it is proposed to amend Part 205, Chapter II, of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., on January 12, 1976.

MICHAEL F. BUTLER,
General Counsel.

Section 205.22 is amended by redesignating paragraph (d) as paragraph (f) and by revising paragraphs (b) and (c) and by adding new paragraphs (d) and (e) to read as follows:

§ 205.202 Sanctions.

* * * * *

(b) *Civil Penalties.* (1) Any person who violates any provision of the regulation issued under authority of the Emergency Petroleum Allocation Act of 1973, as amended, or any order issued pursuant thereto shall be subject to a civil penalty:

(i) With respect to activities relating to the production, distribution or refining of crude oil, of not more than $20,000 for each violation;

(ii) With respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than activities entirely at the retail level), of not more than $10,000 for each violation; and

(iii) With respect to activities relating to the distribution of residual fuel oil or any refined petroleum product at the retail level or with respect to activities not otherwise referred to in paragraphs (b)(1) (i) and (ii) of this section of not more than $2,500 for each violation.

(2) The FEA may at any time refer a violation to the Department of Justice for the commencement of an action for civil penalties. When the FEA considers it to be appropriate or advisable, it may compromise, settle and collect civil penalties.

(c) *Criminal penalties.* (1) Any person who willfully violates any provision of the regulation issued under authority of the Emergency Petroleum Allocation Act of 1973, as amended, or any order issued pursuant thereto may be imprisoned not more than 1 year, or shall be fined:

(i) With respect to activities relating to the production, distribution or refining of crude oil, not more than $40,000 for each violation;

(ii) With respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than at the retail level), not more than $2,000 for each violation;

(iii) With respect to activities relating to the distribution of residual fuel oil or any refined petroleum product at the retail level or with respect to activities not otherwise referred to in paragraph (c)(1) (i) and (ii) of this section not more than $10,000 for each violation; or both.

(2) The FEA may at any time refer a willful violation to the Department of Justice for criminal prosecution.

(d) *Definitions.* For purposes of paragraphs (b) and (c) of this section:

(1) Violations with respect to "activities relating to the production, distribution or refining of crude oil" shall mean any violation by a producer or distributor of crude oil of any provision of Parts 210, 211 or 212 of Title 10, CFR, relating to the purchase or sale of such crude oil or ay violation by a refiner of any provision of: (i) Parts 210 or 212 of this Title relating to the proper calculation, allocation or reporting of crude oil or other costs, including both product and non-product costs, or relating to prices charged or paid for crude oil; or (ii) Part 211 of this Title relating to the allocation of crude oil; and

(2) "Distribution at the retail level" shall mean sales to the ultimate consumers of residual fuel oil or refined petroleum products.

(e) *Corporate personnel.* (1) Any individual director, officer or agent of a corporation who knowingly and willfully authorizes, orders or performs any of the acts or practices constituting in whole or in part a violation of any provision of the regulation issued under authority of the EPAA of 1973, as amended, or any order issued pursuant thereto shall be subject to the penalties specified in paragraphs (b) and (c) of this section without regard to any penalties to which that corporation may be subject under paragraphs (b) and (c) of this section, except that no such individual director, officer or agent shall be subject to imprisonment under paragraph (c) of this section unless he also has knowledge, or reasonably should have known of notice of noncompliance received by the corporation from the FEA.

(2) For purposes of this paragraph (e):

(i) "Agent" shall include any employee or other person acting on behalf of the corporation on either a temporary or permanent basis, whether or not he has authority to engage in the particular activities involved; and

(ii) "Notice of noncompliance" shall include any written notice that the FEA believes the corporation to be acting in violation of the provisions of this chapter issued under authority of the Emergency Petroleum Allocation Act of 1973, as amended, or any order issued pursuant thereto, and shall include, but not be limited to, a notice or probable violation issued under § 205.191, a remedial order issued under §§ 205.192 or 205.193 or a consent order issued under § 205.197.

* * * * *

[FR Doc.76-1230 Filed 1-12-76;4:07 pm]

FEDERAL ELECTION COMMISSION

[11 CFR Part 115]

[Notice 1976-4]

IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT

Provisions for Compliance and Enforcement

The Federal Election Commission today publishes a proposed regulation on compliance procedures, implementing 2 U.S.C. § 437g. As with previous publications of this kind, the Commission wishes to receive the benefit of the views of as many affected persons and organizations as may desire to express themselves on this subject. The period of public comment will run for 30 days and expires on February 17, 1976. Any interested person or organization is invited to submit written comments to the Commission concerning any part of this notice. The facts, opinions, and recommendations, presented in writing in response to this notice will be considered in drafting the final regulation for submission to Congress.

The attention of the public is drawn to three issues in particular, with respect to which the Commission is particularly desirous of receiving comments.

1. Should the hearing requested by a respondent in a compliance action be

open to the public? As drafted, the regulation requires a closed hearing unless the respondent requests that it be open.

2. If a hearing requested by a respondent in a compliance action is closed, should the complainant be present at the closed hearing? No provision is currently made for this contingency.

3. Should there be public disclosure of the results of an investigation after the investigation has terminated? Section 115.14 of the regulations sets forth a procedure for informing the public of the results of an investigation and of any ensuing Commission action. The disclosure is in summary form, and does not identify the parties involved. Consideration should be given to whether or not a more detailed description can and should be made after the close of the investigatory process. Comment should be directed to the legality of such disclosure and, assuming its legality, the manner and timing of such disclosure.

Hearings on the proposed regulations will be held on Wednesday, February 11, 1976, at 10:00 a.m. at the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. Persons interested in testifying should call Susan King at (202) 382-5338.

All comments on the proposed regulations should be addressed to the Rulemaking Section, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

PART 115—COMPLIANCE PROCEDURE

Sec.

115.1 Scope.
115.2 Filing.
115.3 Form of complaint.
115.4 Initial review of complaint.
115.5 Notification of respondent.
115.6 Reply by respondent.
115.7 Dismissal before hearing; review of dismissals.
115.8 Referrals to Attorney General.
115.9 Investigations.
115.10 Post investigation Commission action.
115.11 Procedure at close of hearing.
115.12 Post hearing procedure.
115.13 Review of hearing held before administrative law judge or bipartisan panel of Commissioners.
115.14 Public disclosure.

§ 115.1 Scope.

This part provides procedures for: (1) Receipt and processing of complaints submitted pursuant to 2 U.S.C. § 437g and (2) processing other compliance actions initiated by the Commission. Complaints are described in § 115.3. "Compliance action" means Commission action with regard to any alleged or possible violation of Title 2 U.S.C. §§ 431–56, Title 18 U.S.C. §§ 608, 610, 611, 613, 614, 615, 616, and 617, and Chapters 95 and 96 of Title 26 U.S.C., including actions taken pursuant to complaints filed under 2 U.S.C. § 437g and section 115.3 herein.

§ 115.2 Filing.

Any person who believes that a violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq., or 18 U.S.C. §§ 608, 610, 611, 613, 614, 615, 616, or 617, or 26 U.S.C., Chapters 95 and 96 of Title 11, has occurred may file a complaint with the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

§ 115.3 Form of complaint.

(a) The person making a complaint (hereinafter complainant) shall:

(1) Sign the complaint;

(2) Have the complaint notarized; and

(3) Include his or her business or residential address and telephone number in the complaint.

(b) Each complaint shall:

(1) Name the person complained against (hereinafter respondent);

(2) Describe in detail the alleged violation or violations; and

(3) Be submitted together with copies of evidence available to the complainant.

§ 115.4 Initial review of complaint.

(a) If the Assistant Staff Director for Disclosure and Compliance, or the Assistant Staff Director's designee, determines that the complaint lacks sufficient information, the complainant shall be so notified and shall be given 15 days to amend the complaint.

(b) If the Assistant General Counsel and the Assistant Staff Director determine that a complaint is not within the Commission's jurisdiction, the action shall be dismissed or referred to another Government agency whichever is appropriate. The complainant shall be notified of such determination.

(c) If the complainant fails to request review of a determination by the Commission under paragraphs (a) or (b) of this section within 15 days after receiving notice as to the Commission's determination, stating why the complainant believes the determination is incorrect, the complaint shall be dismissed or referred as appropriate.

(d) If the complainant does so advise the Commission the Staff Director and the General Counsel shall review the initial decision. If they believe the initial decision is in error, the Assistant Staff Director will investigate the matter in accordance with the procedures set forth herein. If they rule the initial decision correct the matter will be referred to the Commission.

(e) The Commission shall: (1) Affirm the dismissal or referral, as appropriate;

(2) Remand the complaint to the Staff Director and the General Counsel for further consideration.

(f) The Commission shall notify the complainant in writing after the disposition of the matter on review.

§ 115.5 Notification of respondent.

(a) *Notification of filing of complaint.* Pursuant to 2 U.S.C § 437g(a)(2), the Commission, after the review described in § 115.4, shall send a "Notice of Alleged Violation" along with a copy of the formal complaint or a summary of it to the respondent by registered or certified mail, return receipt requested within a reasonable period after a valid complaint is received. The respondent shall also be notified of his/her right to a hearing.

(b) *Notification of discovery of possible violation.* In all other cases, the Commission, when it receives sufficient evidence to justify a belief that a violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq., or 18 U.S.C. §§ 608, 610, 611, 613, 614, 615, 616 or 617 or of 26 U.S.C., Chapters 95 and 96 of Title 11, has occurred, the Commission shall send the respondents a "Notice of Possible Violation" by registered or certified mail, return receipt requested. At the same time, the respondent will be notified of his/her right to a hearing.

(c) Any notification or investigation made under paragraphs (a) or (b) of this section shall not be made public until the respondent expressly gives written permission.

§ 115.6 Reply by respondent.

(a) The respondent will be allowed 10 days after receiving the "Notice of Alleged Violation" or "Notice of Possible Violation" to respond in writing to the allegations in the compliance action (complaint or notification under § 115.5 (a) or (b)). The respondent may request an extension of time by filing a timely written request with the Commission. The Commission may, on its own motion in an exceptional case, upon appropriate notice to the respondent, shorten the time period for response.

(b) The response to the compliance action shall be addressed to the Assistant Staff Director for Disclosure and Compliance at the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463; and

(c) The respondent or the authorized representative thereof shall sign and notarize the response.

(d) Any hearing requested shall, at the conclusion of any appropriate investigation, be scheduled for a date to be determined by the Commission.

§ 115.7 Dismissal before hearing; review of dismissals.

(a) If, after reviewing the complaint and response, the Assistant Staff Director with the advice of the Assistant General Counsel determines that the compliance action is without merit, the complainant shall be notified of such a determination, and of the right to review under paragraph (c) of this section.

(b) If the complainant fails to request a review of a determination as set out in paragraph (a) of this section by writing to the Commission within 15 days after receiving notice of dismissal, and stating why the complainant believes the determination was incorrect, the complaint shall be dismissed.

(c) If the complainant does so advise the Commission, the Staff Director and the General Counsel shall review the initial decision. If they believe the initial decision is in error, they will direct the Assistant Staff Director to investigate the matter in accordance with the proce-

dures set forth below. If they believe the initial decision to be correct, the matter will be referred to the Commission.

(d) The Commission shall: (1) Affirm the dismissal; or

(2) Remand the complaint to the Staff Director and the General Counsel for further consideration.

(e) The Commission shall notify the complainant and respondent in writing as to the disposition of the matter on review.

§ 115.8 Referrals to Attorney General.

Pursuant to 2 U.S.C. § 437g(a)(2)(A) the Commission, in appropriate cases, upon receiving information regarding a possible violation of the Act, whether by formal complaint or otherwise, may report such possible violation to the Attorney General.

§ 115.9 *Investigations.

(a) Appropriate inquiry will be initiated by the Commission with respect to each compliance action, including any complaint not dismissed under § 115.7.

(b) If a complaint is filed under § 115.2 and § 115.3 above by another candidate, the investigation shall include an investigation of the reports and statements filed by the complainant-candidate and his or her authorized committees.

(c) Each inquiry under paragraph (a) of this section may be conducted with regard to each candidate for the Federal office sought by the respondent.

§ 115.10 Post-investigation Commission action.

(a) If the respondent has not requested a hearing, the Commission shall appoint a panel of two Commissioners not affiliated with the same political party to review the investigative report, including any communications from the respondent, and to determine whether there is sufficient evidence to justify the belief that an apparent violation has occurred. Where the panel finds there is insufficient evidence, the panel shall recommend to the full Commission that the compliance action be closed. In those cases where the panel determines that there is evidence sufficient to justify the belief that an apparent violation has occurred, the panel may direct the staff to attempt to correct the apparent violation by informal methods of conferences, conciliation and persuasion. These informal corrective endeavors shall be pursued confidentially.

(b) Where a settlement cannot be concluded to the satisfaction of the Commission the bipartisan panel may, after giving notice to the full Commission:

(1) Refer the matter to the Department of Justice;

(2) Direct the General Counsel to seek compliance in an appropriate Federal court.

(c) No panel directive under paragraphs (a) or (b) of this section will be effective until 48 hours after the panel notifies the full Commission, unless the Commission meets and affirmatively adopts the recommendation. If any Commissioner objects to the directive within 48 hours after being so notified, the matter shall be placed on the agenda for discussion at the next meeting of the full Commission.

(d) If a panel is unable to reach a decision under paragraphs (a) or (b) of this section, the matter shall be referred to the full Commission for consideration at its next meeting.

§ 115.11 Procedure at close of hearing.

(a) If the respondent requests a hearing under 2 U.S.C. § 437g(a)(4), the hearing shall take place before:

(1) The full Commission; or,

(2) A designated panel of two Commissioners not affiliated with the same political party; or,

(3) A single hearing officer, as the Commission considers appropriate. (Collectively referred to as the presiding officer.)

(b) The hearings shall be considered investigatory and not adjudicatory, and, in keeping with the Act's confidentiality requirement regarding investigations, shall not be open to the public without the written consent of the respondent.

(c) The hearings shall be conducted consistent with the concepts of fairness embodied in the Administrative Procedure Act, 5 U.S.C. § 551 et seq., with regard to adjudicatory hearings.

(d) A verbatim transcript of the hearing will be made. The record of the hearings shall consist of the transcript and any written statements or materials submitted during the hearing.

(e) Each witness shall testify only under oath.

§ 115.12 Post hearing procedure.

(a) In exercising its discretion as to whether there is reasonable cause to believe that an apparent violation has been established, and, if so, what further action regarding the apparent violation should be taken, the presiding officer shall consider all matters contained in the record.

(b)(1) If the full Commission conducts the hearing and determines that no apparent violation has been established, the Commission shall issue an order dismissing the compliance action and shall notify the respondent.

(2) If the full Commission conducts the hearing and concludes that a violation has occurred or is about to occur, the Commission shall direct the staff to attempt to correct the situation by informal methods of conference, conciliation and persuasion. Where a settlement cannot be concluded to the satisfaction of the Commission, the Commission shall:

(i) Direct the General Counsel to seek compliance in the appropriate Federal court; or

(ii) Refer the matter to the Department of Justice for civil or criminal prosecution.

(c) If the hearing has been conducted by a two Commissioner panel as set forth in § 115.10 or by a hearing officer, a recommendation for further Commission action, including dismissal of the compliance action, shall be transmitted as soon as practicable to the full Commission. A copy of the recommendation shall be simultaneously transmitted to the respondent.

§ 115.13 Review of hearing held before administrative law judge or bipartisan panel of Commissioners.

(a) Within 7 working days after receipt by the Commission of the recommendation under § 115.12(c), the respondent may petition the Commission for review of the recommendation. The respondent may request an extension of time by filing a timely written request with the Commission. The Commission shall notify the respondent within 2 working days as to whether the extension is granted. The Commission may, on its own motion in exceptional cases, upon appropriate notification, shorten the time period for filing a petition for review.

(b) If a respondent petitions for review, the Commission shall review the record of proceeding within a reasonable time. The Commission may affirm, reverse, or modify the recommendation as, in its opinion, the evidence indicates, and issue an appropritae directive to the Commission staff.

(c) If the respondent does not file a petition for review and if no Commissioner requests a Commission meeting to discuss the recommendation made by the two Commissioner panel or hearing officer, the recommendation so made becomes final at the close of the period in paragraph (a) of this section. The staff shall thereupon implement the recommendation.

§ 115.14 Public disclosure.

(a) Within 45 days after the Commission has closed a compliance action, a summary of the compliance action shall be released to the public. The summary shall not disclose the identities of the parties initiating the action or the parties with respect to whom the investigation was made, without the written consent of the party to be identified.

(b) Disclosure will not be made with respect to cases referred to the United States Department of Justice until such time as the Department initiates appropriate court action or determines the case does not merit prosecution.

Dated: January 12, 1976.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.76-1257 Filed 1-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Interstate Commerce Commission

[49 CFR Parts 1048, 1049]

[Ex Parte No. MC-37 (Sub-No. 26)]

COMMERCIAL ZONES AND TERMINAL AREAS

Proposed Rulemaking

● Purpose: The purpose of this document is to notify the public that the Interstate Commerce Commission is proposing modifications to its regulations which would, if adopted, expand commercial zones and motor carrier and freight forwarder terminal areas. ●

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of December 1975.

It is ordered, That based on the reasons set forth in the attached interim report, regulations governing motor carrier and freight forwarder terminal areas and governing commercial zones proposed pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) and sections 202, 203, 204, 402, 403, and 404 of the Interstate Commerce Act [49 U.S.C. 302, 303, 304, 1002, 1003, and 1004].

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order.

And it is further ordered, That notice of the proposed rules 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

By order served August 11, 1975, the Interstate Commerce Commission instituted the above-entitled proceeding in order to solicit public views regarding the possibility of modifying its regulations in order to expand commercial zones (49 CFR 1048) and motor carrier and freight forwarder terminal areas (49 CFR 1049). The Commission invited interested persons to submit written comments on this matter on or before October 14, 1975.

Based upon a careful analysis of the approximately 400 representations received in response to the above-request and upon an evaluation of available economic, demographic, and environmental data, the Commission proposed the rules and regulations set forth at the end of this notice. These proposed rules would (1) expand commercial zones and terminal areas pursuant to a new population-mileage formula, (2) specifically define certain zones which require greater limits than the proposed population-mileage formula boundaries, (3) restore the exemption to the New York, N.Y. Los Angeles, Calif., and St. Louis, Mo.-East Et. Louis, Ill., commercial zones, (4) specifically define commercial zones of consolidated governments, (5) define the commercial zones of certain "twin cities," and (6) eliminate existing confusing specific commercial zone descriptions. The Commission's interim report in this proceeding summarizes the representations received, discusses these issues, and arrives at tentative conclusions. Generally, it has been tentatively found that the proposed commercial zones better reflect the economic and social development of American municipalities than the existing zones, that they permit urban expansion, that they will provide shippers located beyond the existing zones an equality of competition with shippers located within the existing zones, that they would permit linehaul and existing exempt operations to become more efficient, and that any adverse effect to certificated short-haul carriers caused by added competition would be outweighed by the benefits of the proposed action.

Oral hearing does not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence concerning the matters involved in this notice may do so by the submission of written data, views, or arguments.

Parties will be expected to present economic data and clear maps supporting their contentions to the extent feasible. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before 60 days after publication in the FEDERAL REGISTER. All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559) and sections 202, 203, 204, 402, 403, and 404 of the Interstate Commerce Act (49 U.S.C. 302, 303, 304, 1002, 1003, and 1004).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to modify 49 CFR 1048 and 1049, in the following manner:

(1) Delete §§ 1048.1 through 1048.42.

(2) The following §§ 1048.1 through 1048.15 would replace those deleted:

§ 1048.1 Beaumont, Tex.

The zone adjacent to, and commercially a part of Beaumont, Tex., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Beaumont, Tex., itself;

(b) All points within a line drawn 8 miles beyond the municipal limits of Beaumont;

(c) Points in Jefferson County, Tex., east of Texas Highway 1406;

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Beaumont or by any other municipality included under the terms of (d) of this section.

§ 1048.2 Charleston, S.C.

The zone adjacent to, and commercially a part of Charleston, S.C., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Charleston, S.C., itself;

(b) All points within a line drawn 6 miles beyond the municipal limits of Charleston;

(c) Those points in Charleston County, S.C., which are not within the areas described in paragraph (b) of this section; and those points in Berkley County, S.C., which are not within the area described in paragraph (b) of this section, and which are west of South Carolina Highway 41.

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Charleston or by any other municipality included under the terms of (d) of this section.

§ 1048.3 Charleston, W. Va.

The zone adjacent to, and commercially a part of Charleston, W. Va., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Charleston, W. Va., itself;

(b) All points within a line drawn 6 miles beyond the municipal limits of Charleston;

(c) Those points in Kanawha County, W. Va., which are not within the area described in paragraph (b) of this section; and those points in Putnam County, W. Va., south of West Virginia Highway 34;

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Charleston or by any other municipality included under the terms of (d) of this section.

§ 1048.4 Lake Charles, La.

The zone adjacent to, and commercially a part of Lake Charles, La., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303 (b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Lake Charles, La., itself;

(b) All points within a line drawn 6 miles beyond the municipal limits of Lake Charles;

(c) Those points in Calcasieu Parish, La., which are not within the area described in paragraph (b) of this section; and which are east of Louisiana Highway 27 (eastern section);

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Lake Charles or by any other municipality included under the terms of (d) of this section.

§ 1048.5 Pittsburgh, Pa.

The zone adjacent to, and commercially a part of Pittsburgh within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303 (b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Pittsburgh, Pa., itself;

(b) All points within a line drawn 15 miles beyond the municipal limits of Pittsburgh;

(c) Those points in Allegheny County, Pa., which are not within the area described in paragraph (b) of this section;

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Pittsburgh by any other municipality included under the terms of (d) of this section.

§ 1048.6 Pueblo, Colo.

The zone adjacent to, and commercially a part of Pueblo, Colo., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303 (b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Pueblo, Colo., itself;

(b) All points within a line drawn 6 miles beyond the municipal limits of Pueblo;

(c) Those points in Pueblo County, Colo., which are not within the area described in paragraph (b) of this section;

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Pueblo or by any other municipality included under the terms of (d) of this section.

§ 1048.7 Ravenswood, W. Va.

The zone adjacent to, and commercially a part of Ravenswood, W. Va., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Ravenswood, W. Va., itself;

(b) All points within a line drawn 4 miles beyond the municipal limits of Ravenswood;

(c) Those points in Jackson County, W. Va., which are not within the area described in paragraph (b) of this section, and which are north of U.S. Highway 33.

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Ravenswood or by any other municipality included under the terms of (d) of this section.

§ 1048.8 Seattle, Wash.

The zone adjacent to, and commercially a part of Seattle, Wash., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Seattle, Wash., itself;

(b) All points within a line drawn 15 miles beyond the municipal limits of Seattle;

(c) Those points in King County, Wash., which are not within the area described in paragraph (b) of this section, and which are west of Washington Highway 203; and those points in Snohomish County, Wash., which are not within the area described in paragraph (b) of this section, and which are west of Washington Highway 9.

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this section.

§ 1048.9 Washington, D.C.

The zone adjacent to, and commercially a part of Washington, D.C., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The municipality of Washington, D.C., itself;

(b) All points within a line drawn 15 miles beyond the municipal limits of Washington, D.C.;

(c) Those points in Fairfax County, Va., which are not within the area described in paragraph (b) of this section, and Dulles International Airport;

(d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this section, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Washington, D.C., or by any other municipality included under the terms of (d) of this section.

§ 1048.10 Twin Cities.

For the purpose of determining commercial zones, utilizing the general population-mileage formula as set forth in § 1048.101, each of the following combinations of cities shall be considered as a single municipality (a) having a population equal to the sum of their combined populations, and (b) having boundaries comprised of their combined corporate limits, with the common portion thereof disregarded:

(1) Bluefield, Va.-W. Va.

(2) Bristol, Va.-Tenn.

(3) Davenport, Iowa, and Rock Island and Moline, Ill.

(d) Delmar, Del.-Md.
(e) Harrison, Ohio-West Harrison, Ind.
(f) Junction City, Ark.-La.
(g) Kansas City, Mo.-Kansas City, Kans.
(h) Minneapolis-St. Paul, Minn.
(i) St. Louis, Mo.-East St. Louis, Ill.
(j) Texarkana, Ark.-Tex.
(k) Texhoma, Tex.-Okla.
(l) Union City, Ind.-Ohio.

§ 1048.11 Commercial zones of municipalities in New Jersey within 20 miles of New York, N.Y.

(a) The application of § 1048.101 is hereby extended to each municipality in New Jersey, any part of which is within 20 miles of the corporate limits of New York, N.Y.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce Act, of transportation by motor vehicle, in interstate or foreign commerce, performed wholly within any commercial zone, the limits of which are defined in paragraph (a) of this section is hereby removed as to all such transportation except (1) transportation which is performed wholly between any two points in New Jersey, or (2) transportation which is performed wholly between points in New Jersey embraced in the population-mileage formula as it applies to New York, N.Y., on the one hand, and, on the other, points in New York embraced in the population-mileage formula as it applies to New York, N.Y.

§ 1048.12 Commercial zones of municipalities in Westchester and Nassau Counties, N.Y.

(a) The application of § 1048.101 is hereby extended to each municipality in West Chester or Nassau Counties, N.Y.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce, performed wholly within any vehicle, in interstate or foreign commerce, performed wholiy within any commercial zone, the limits of which are defined in paragraph (a) of this section, is hereby removed as to all such transportation except (1) transportation which is performed wholly between points in New York neither of which is New York City, N.Y., or (2) transportation which is performed wholly between points in Westchester or Nassau County embraced in the population-mileage formula as it applies to New York, N.Y., on the one hand, and, on the other, New York City, N.Y., or points in New Jersey embraced in the population-mileage formula as it applies to New York, N.Y.

§ 1048.13 Consolidated Governments.

The zone adjacent to and commercially a part of a consolidated government within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)] includes and is comprised of all points as follows:

(a) The consolidated government itself;

(b) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the consolidated government.

§ 1048.14 Lexington-Fayette Urban County, Ky.

Remains the same as present § 1048.42 except for section redesignation.

§ 1048.15 Los Angeles, Calif., Harbor Zone.

The Los Angeles, Calif., Harbor Zone shall include all points within a line beginning at the Pacific Ocean and extending easterly along Rosencrans Avenue to its intersection with California Highway 19, thence extending southerly along California Highway 19 to its intersection with the California Highway 91, thence easterly along California Highway 91 to the Los Angeles-Orange County line, thence south along the said County line to the Pacific Ocean.

(3) Section 1048.101(c) is amended by revising subparagraphs (1), (2), (3) and (4) and by adding subparagraphs (5), (6) and (7) as follows:

§ 1048.101 Commercial zones determined generally, with exceptions.

* * * * *

(c) * * *

(1) When the base municipality has a population less than 2,500 all unincorporated areas within 3 miles of its corporate limits and all of any other municipality any part of which is within 3 miles of the corporate limits of the base municipality,

(2) When the base municipality has a population of 2,500 but less than 25,000, all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality.

(3) When the base municipality has a population of 25,000 but less than 100,000 all unincorporated areas within 6 miles of its corporate limits and all of any other municipality any part of which is within 6 miles of the corporate limits of the base municipality.

(4) When the base municipality has a population of 100,000 but less than 200,000, all unincorporated areas within 8 miles of its corporate limits and all of any other municipality any part of which is within 8 miles of the corporate limits of the base municipality,

(5) When the base municipality has a population of 200,000 but less than 500,000 all unincorporated areas within 10 miles of its corporate limits and all of any other municipality any part of which is within 10 miles of the corporate limits of the base municipality,

(6) When the base municipality has a population of 500,000 but less than 1 million, all unincorporated areas within 15 miles of its corporate limits and all of any other municipality any part of which is within 15 miles of the corporate limits of the base municipality,

(7) When the base municipality has a population of 1 million or more, all unincorporated areas within 20 miles of its corporate limits and all of any other municipality any part of which is within 20 miles of the corporate limits of the base municipality, and

* * * * *

(4) Section 1049.2(a) is revised to read as follows:

§ 1049.2 Terminal areas of motor carriers and freight forwarders at unincorporated communities served.

* * * consists of (a) all points in the United States which are located within the limits of the operating authority of the motor carrier of property or freight forwarder involved, and within 3 miles of the post office at such authorized unincorporated point if it has a population less than 2,500, within 4 miles if it has a population of 2,500 but less than 25,000, within 6 miles if it has a population of 25,000 or more; * * *

[FR Doc.76-1235 Filed 1-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-9104, File No. S7-554]

SEPARATE ACCOUNTS OF LIFE INSURANCE COMPANIES FUNDING CERTAIN VARIABLE LIFE INSURANCE CONTRACTS

Proposed Rule

Notice is hereby given that the Securities and Exchange Commission ("Commission") proposes to adopt Rule 6e-2 [17 CFR 270.6e-2] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 et seq.] to exempt separate accounts formed by life insurance companies to fund certain variable life insurance contracts from the registration requirements of the Act on condition that such separate accounts comply with all but certain designated provisions of the Act and meet the other requirements of the proposed Rule.

Further, notice is hereby given that the Commission proposes to adopt Forms N-6EI-1 [17 CFR 274.301], N-27I-1 [17 CFR 274.302] and N-27I-2 [17 CFR 274.303]. These Forms are required by proposed Rule 6e-2 and would be used by separate accounts subject to the proposed Rule in order to notify the Commission of a claim of exemption under the Rule, and to notify contractholders of their rights to cancel their contracts and to receive refunds of certain amounts paid pursuant to variable life insurance contracts.

Background. On February 27, 1975, the Commission published notice of its proposal to rescind Rule 3c-4 [17 CFR 270.c-4] under the Act and Rule 202-1 [17 CFR 275.202-1] under the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. 80b-1 et seq.].[1] Rule 3c-4 defined the term "insurance company" as used in Section 3(c)(3) [15 U.S.C. 80a-3(c)(3)] of the Act to include a separate account which was employed as the funding medium for certain variable life insurance contracts. Rule 202-1 ex-

cluded from the definition of the term "investment adviser" set forth in Section 202(a)(11) [15 U.S.C. 80b-2(a)(11)] of the Advisers Act, an insurance company, or any affiliated company thereof, to the extent that any advisory services performed were incidental to the conduct of the business of issuing any variable life insurance contract as defined in Rule 3c-4 or any interest or participation in a separate account issued in connection with such contract. These rules were rescinded, effective July 30, 1975, based upon the extensive comment and testimony received by the Commission with respect to variable life insurance and the Commission's conclusion that the insurance regulatory patterns proposed to be applicable to variable life insurance and the exemptions provided by Rules 3c-4 and 202-1 would not assure necessary investor protections.[3]

Contemporaneous with its proposal to rescind Rules 3c-4 and 202-1, the Commission gave notice that it would propose a rule under Section 6(e) [15 U.S.C. 80a-6(e)] of the Act relating to separate accounts formed by life insurance companies to fund certain variable life insurance contracts.[3]

The Commission's notice of intention to propose a rule under Section 6(e) reflected its recognition of the unique insurance aspects of variable life insurance and the extensive state insurance regulatory pattern to which the contracts, issuers and related persons will be subject. In addition, the Commission specifically noted that the possible application of two areas of the Act to variable life insurance—limitations imposed by Section 27 [15 U.S.C. 80a-27] on sales loads which may be charged purchasers of variable life insurance contracts, and the provisions of the Act designed to assure accountability of management to variable life insurance contractholders—would present difficult compliance problems for issuers of variable life insurance contracts, and it indicated that a rule, when proposed, would contain limited exemptions in these areas.

The Commission also indicated that there were a number of other provisions of the Act, the requirements of which could be modified or from which exemptions could be granted, subject to certain conditions. In order to provide a general framework for comments in this respect, the Commission included in Investment Company Act Release No. 8691 a tentative list of possible exemptions in 15 areas which the Commission would consider.

The Commission received letters of comment from interested persons in response to its published intention to propose a rule under Section 6(e). In addition, the Commission has considered the order of exemption from several provisions of the Act and rules thereunder granted to the Equitable Life Assurance Society of the United States, Equitable Variable Life Insurance Company ("EVLICO") and EVLICO's Separate Account I.[4] Based on these comments, the order of exemption, as well as the rulemaking proceedings in respect of Rules 3c-4 and 202-1, the Commission has determined to propose Rule 6e-2 and Forms N-6EI-1, N-271-1 and N-271-2, pursuant to authority granted to the Commission in Sections 6(c) [15 U.S.C. 80a-6(c)], 6(e), and 38(a) [15 U.S.C. 80a-38(a)] of the Act.

Statutory Authority. Section 6(c) of the Act provides that the Commission by rule, regulation or order may conditionally or unconditionally exempt any person, security or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(e) of the Act provides that if, in connection with any rule, regulation or order under Section 6 [15 U.S.C. 80a-6] exempting any investment company from any provision of Section 7 [15 U.S.C. 80a-7], the Commission deems it necessary or appropriate in the public interest or necessary for the protection of investors that certain specified provisions of the Act shall be applicable in respect to such company, the provisions so specified shall apply to such company, as though such company were a registered investment company. Section 38(a) of the Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

The Proposed Rule. Proposed Rule 6e-2 would exempt from the registration requirements of the Act a separate account established and maintained by a life insurance company ("life insurer") to fund certain variable life insurance contracts upon the condition that such separate accounts comply with all but certain designated provisions of the Act, and meet other requirements of the Rule. Essentially, proposed Rule 6e-2 would be applicable to separate accounts established pursuant to insurance law, the assets of which are legally segregated from the assets of the life insurer and are used to fund variable life insurance contracts, as defined by the proposed Rule, and which separate accounts are advised by persons registered under the Advisers Act.

The proposed Rule defines "variable life insurance contract" as a contract of life insurance, subject to regulation under the insurance laws of every jurisdiction in which it is offered, which contract, so long as premiums are paid when due, provides for: a death benefit and cash surrender value which vary to reflect the investment experience of the separate account, a guaranteed minimum death benefit, and assumption of the mortality and expense risks thereunder by the life insurer. This definition is similar to the definition of variable life insurance contract found in former Rule 3c-4, with two principal exceptions. Proposed Rule 6e-2 does not require that the insurance obligations under the contract be "for the whole of life," nor does it impose a required ratio between the initial death benefit of the contract and the gross annual premium therefor. The omission of the former requirement would make eligible for relief under the proposed Rule separate accounts which fund, for example, variable term insurance or certain variable endowment contracts. The latter provision, which was known as "the minimum multiple" requirement, may have been viewed as a means to minimize the investment element of a contract. Since a variable life insurance contract has been determined by the Commission to be a security not exempt from the requirements of the Securities Act of 1933 [15 U.S.C. 77a-1 et seq.], the Commission has not included this requirement in proposed Rule 6e-2. Nevertheless, it is noted that the Model Variable Life Insurance Regulation adopted by the National Association of Insurance Commissioners has required such a ratio between death benefits and premiums under variable life insurance contracts, and the Commission assumes that such a ratio will be provided for pursuant to applicable state insurance regulation.

The proposed Rule provides that a variable life insurance separate account must comply with every provision of the Act as if it were a registered investment company issuing periodic payment plan certificates, except to the extent that the Rule provides exemption from the requirements of Sections 7, 8 [15 U.S.C. 80a-8], 9(a) [15 U.S.C. 80a-9(a)], 13(a) [15 U.S.C. 80a-13(a)], 14(a) [15 U.S.C. 80a-14(a)], 15(a) [15 U.S.C. 80a-15(a)], 15(b) [15 U.S.C. 80a-15(b)], 15(c) [15 U.S.C. 80a-15(c)], 16(a) [15 U.S.C. 80a-16(a)], 17(f) [15 U.S.C. 80a-17(f)], 18(i) [15 U.S.C. 80a-18(i)], 19 [15 U.S.C. 80a-19], 22(d) [15 U.S.C. 80a-22(d)], 22(e) [15 U.S.C. 80a-22(e)], 22(f) [15 U.S.C. 80a-22(f)], 26(a) [15 U.S.C. 80a-26(a)], 27(a) [15 U.S.C. 80a-27(a)], 27(c) [15 U.S.C. 80a-27(c)], 27(d) [15 U.S.C. 80a-27(d)], 27(e) [15 U.S.C. 80a-27(e)], 27(f) [15 U.S.C. 80a-27(f)], 27(h) [15 U.S.C. 80a-27(h)], and 32(a) [15 U.S.C. 80a-32(a)] of the Act and Rules 22c-1 [17 CFR 270.22c-1], 27d-1 [17 CFR 270.27d-1], 27e-1 [17 CFR 270.27e-1], and 27f-1 [17 CFR 270.27f-1] thereunder. Since variable life insurance separate accounts would be subject to all provisions of the Act as if they were registered, except those from which exemptions are specifically provided in the Rule, such separate accounts also would be considered to be "registered investment companies" for purposes of the applicability of certain exemptive rules applicable to such companies, including, but not limited to, Rules 10f-1 [17 CFR 270.10f-1], 10f-2 [17 CFR 270.10f-2], 10f-3 [17 CFR 270.10f-3], 11a-1 [17 CFR 270.11a-1], 12d-1 [17 CFR 270.12d-1], 17a-1 [17 CFR 270.17a-1], 17a-2 [17 CFR 270.17a-2], and 17a-7 [17 CFR 270.17a-7].

Proposed Rule 6e-2 provides that variable life insurance separate accounts are exempt from Section 7, which effectively prohibits an unregistered investment company from operating and from Section 8, which provides for the method of registration and the content of the

registration statement. In place of the notification of registration provided for by Section 8(a), the separate account will file a notification of claim of exemption under Rule 6e–2 on Form N–6EI–1, which the Commission proposes to adopt. The Commission expects to promulgate a form to be used instead of the registration statement required by Section 8(b), but such form is not now being proposed. It is intended that such form, when developed, will be used in lieu of forms currently required under the Act and the Securities Act of 1933. Until such a combined form is promulgated, separate accounts claiming exemption under Rule 6e–2 should file, as appropriate, Forms N–8B–1 [17 CFR 274.11], N–8B–2 [17 CFR 274.12] or N–8B–3 [17 CFR 274.13] and make special notation on the first page of such Form that the filing is made pursuant to Rule 6e–2.

In addition to Sections 7 and 8, a partial exemption would be granted from Section 9(a) so that the restrictions of that Section would not be applicable to officers, directors and employees of the life insurer, or its affiliates, who do not participate directly in the administration or management of the separate account or in the sale of contracts funded by such separate account. Under the proposed Rule, a life insurer would be ineligible to serve as investment adviser, depositor or principal underwriter for the separate account pursuant to Section 9(a)(3) only if an affiliated person, ineligible on account of Sections 9(a)(1) or 9(a)(2), participates directly in the management or administration of the separate account or the sale of contracts funded by the separate account.

A limited exemption from the requirements of Section 13(a) and Sections 15 (a), (b) and (c) would provide for the disapproval by an insurance regulator and the life insurer, under certain circumstances, of proposals for changes in investment policy, investment adviser or principal underwriter made by variable life insurance contractholders or the board of directors of the separate account. A further exemption from Section 13(a) would allow changes in investment policy to be adopted without contractholder approval where such changes are required by state insurance authorities. Such limited exemptions would be provided to assure the solvency of the life insurer and performance of its contractual obligations by enabling an insurance regulatory authority or the life insurer to act when certain proposals reasonably could be expected to increase the risks undertaken by the life insurer.

An exemption from the provisions of Section 14(a) would be provided to afford variable life insurance separate accounts an exemption similar to that provided by Rule 14a–2 [17 CFR 270.14a–2] for separate accounts funding certain variable annuities. Thus, the proposed Rule would exempt variable life insurance separate accounts from the minimum capital requirements of Section 14(a) where the life insurer has combined capital and surplus, or an unassigned surplus, of at least $1,000,000.

A limited exemption from the requirements of Section 15(a) would permit the initial selection of the investment adviser for variable life insurance separate accounts in a manner similar to that provided for certain variable annuity separate accounts pursuant to Rule 15a–3 [17 CFR 270.15a–3]. Thus, the initial written contract pursuant to which the investment adviser acts would not have to be approved by a majority of the outstanding contractholders.

A limited exemption from the requirements of Section 16(a) would provide treatment similar to that afforded by Rule 16a–1 [17 CFR 270.16a–1] for certain variable annuity separate accounts. Persons serving as the directors of the separate account, therefore, would be exempt initially from the requirement of Section 16(a) that such persons be elected by the contractholders at an annual meeting. In addition, the proposed Rule provides that persons serving as directors of the separate account would be subject to disapproval and removal by the appropriate insurance regulatory authority.

Proposed Rule 6e–2 would grant an exemption from the requirements of Section 17(f) to allow the securities and similar investments of the separate account to be maintained in the custody of the life insurer, or an insurance company which is an affiliated person of such life insurer, subject to certain conditions governing the standards and procedures to be utilized to assure the safekeeping of such securities.

With respect to the requirement of Section 18(i) that every share of stock issued by a registered management investment company be a voting stock and have equal voting rights with every other voting stock, proposed Rule 6e–2 provides that for purposes of variable life insurance contracts, one vote must be allocated for each $100 of cash surrender value. It also provides that the voting right required by the Act shall not be deemed to be violated by actions specifically permitted by the proposed Rule, such as the limited exemptions from Section 13(a) and Sections 15 (a), (b) and (c) to permit disapproval by an insurance regulatory authority or the life insurer of certain proposals made by contractholders or the separate account's board of directors.

Proposed Rule 6e–2 would grant exemption from the requirements of Section 19 in recognition of the fact that "participating" variable life insurance contracts will not pay dividends in the sense in which the term is used in this Section.

Because of the manner in which life insurers issue, transfer and redeem variable life insurance contracts, it is appropriate to provide exemption from Sections 22(d), 22(e) and 27(c)(1) and Rule 22c–1 in recognition of long-established administrative procedures and the requirements of state insurance regulation. Thus, to the extent the separate account's board of directors determines that such actions and provisions are reasonable, fair, and not discriminatory, the premiums charged for variable life insurance contracts may be determined on the basis of such considerations as age, sex, medical underwriting standards and premium mode. In addition, pursuant to such determination by the board of directors, the variable life insurance separate account would not be deemed to be in violation of these Sections and Rule 22c–1 if, for example: the contractholder, depending upon the particular benefit for which the contract is presented, does not receive a proportionate share of the assets held in the separate account; funds are transferred to or from the separate account pursuant to a contract loan or other option, including options available on default, at a time when no purchase or redemption is made; or assets are transferred to the account before formal issuance of a variable life insurance contract in recognition of the fact that insurance coverage may commence before such contract is "issued."

With respect to Sections 22(d), 22(e), and 27(c)(1) and Rule 22c–1, the proposed Rule requires that the death benefit and cash surrender value by valued daily, but it permits less frequent valuation of the *death benefit* if the net valuation premium is transferred to the account less frequently than daily, provided that the death benefit must be valued at least once each contract year.

Section 22(f) of the Act prohibits an investment company from restricting the transferability or negotiability of any security of which it is the issuer. Proposed Rule 6e–2 provides exemption from this prohibition in recognition of the fact that most state insurance laws and most insurance contracts specifically limit the transferability and negotiability of the contract.

Proposed Rule 6e–2 would provide exemption from Sections 27(a)(1) and 27(h)(1) by allowing the maximum 9% sales load to be computed over a maximum of 20 years and by defining the elements of the gross annual premium which may be excluded in determining the amount charged for sales load. Those elements of the annual premium which may be excluded are the amount of cash value not attributable to investment earnings, the annual cost of insurance, a risk charge to cover the minimum death benefit guarantee, an annual charge for insurance-administrative fees, a charge for state premium taxes, and additional charges for incidental fixed insurance benefits, substandard risks and for more frequent than annual premium payments.

In addition, the proposed Rule also contains two alternatives for the treatment of dividends under participating variable life insurance contracts, both of which would allow the life insurer to deduct certain amounts for anticipated dividend payments in the calculation of the sales load under a contract. The first alternative would allow the use of the actuarial level equivalent of dividends

expected to be paid over the same period used in computing the 9% average sales load, assuming an annual gross after-tax investment return of 4%, and the same mortality, interest and lapse assumptions utilized in computing the dividend scale for the contract. Thus, under this approach, a life insurer could deduct in each of the first 20 contract years, an average dividend which is computed based upon the same assumptions used to develop the life insurer's dividend scale rather than the arithmetic average of dividends expected to be paid during the period. The second alternative would allow an annual deduction from gross premiums in calculating sales loads of the dividend reasonably anticipated to be paid in each year, assuming a gross after-tax investment return of 4%. The Commission has reviewed comments from interested persons concerning the appropriateness of recognizing the special aspects of participating insurance in the calculation of sales loads. The Commission has determined that such recognition is appropriate and has proposed these two alternatives in the expectation that it will receive substantive and detailed comment, including economic analyses, from life insurers who expect to offer participating variable life insurance contracts.

Proposed Rule 6e–2 would allow the same exemption from Sections 27(a)(3) and 27(h)(3) as is presently provided by Rule 27a–2 [17 CFR 270.27a–2] for certain registered variable annuity separate accounts. The proposed Rule also would provide exemption from Sections 27(c)(2), 26(a)(1) and 26(a)(2), provided that the life insurer complies with all other provisions of Section 26 as if it were a trustee, depositor or custodian for the separate account and meets certain additional requirements relating to financial stability, periodic inspection and limitation of administrative charges.

It is anticipated that variable life insurance contracts will provide several different non-forfeiture options in the event that premium payments are not made when due, and will designate a particular option if the contractholder fails to elect an option. Proposed Rule 6e–2 would provide exemption from Section 27(c)(1) and 27(d) to the extent that a nonforfeiture option may not comply with the requirement of such Sections that the contract be redeemable or provide for a refund in cash.

The Commission believes that due to expensive insurance-administrative procedures and the unique nature of the variable life insurance product, it is appropriate to provide some exemption from the provisions of Section 27(d). Proposed Rule 6e–2 would provide exemption from the refund requirements of Section 27(d) by reducing the amount of sales load which must be returned to a redeeming contractholder, by increasing the length of the refund period and by requiring a right of conversion to a fixed benefit life insurance policy. Pursuant to the proposed Rule, the redeeming contractholder could receive a refund of sales load ranging from the excess paid for sales loading which is over 30% of gross premium payments made in the first 12 months to the excess paid over 15% of gross premium payments in the first 30 months. It is expected that this proposed modification will provide the protections deemed necessary by Congress when it enacted Section 27(d), while, at the same time, recognizing the relevant differences between variable life insurance contracts and other periodic payment plan certificates issued by investment companies.

In Rule 27d–1 the Commission has imposed a reserve requirement applicable to principal underwriters and depositors of periodic payment plans subject to Sections 27(d) or 27(f). Proposed Rule 6e–2 would provide exemption from Rule 27d–1 if an insurance company guarantees the performance of all obligations of the depositor or principal underwriter and such depositor or principal underwriter complies with all provisions of Rule 27d–2 [17 CFR 270.27d–2].

Proposed Rule 6e–2 would provide exemption from Section 27(e) and Rule 27e–1 if the persons who are required to provide a notice of rights of withdrawal and refund to variable life insurance contractholders provide such notice on Form N–27I–1 (which is proposed herewith) and meet the other conditions as to the time and frequency of mailing of this notice.

The proposed Rule also would provide exemption from Section 27(f) and Rule 27f–1 if a notice of withdrawal right and statement of charges is provided on Form N–27I–2 (which is proposed herewith) in accordance with the other requirements of this exemption.

Finally, proposed Rule 6e–2 would provide exemption from Section 32(a)(2) with respect to the selection of independent public accountants for the separate account on a basis similar to that provided by present Rule 32a–2 [17 CFR 270.32a–2] for certain registered separate accounts.

1. The text of proposed § 270.6e-2 is as follows:

§ 270.6e–2 Exemptions for certain variable life insurance separate accounts.

(a) A separate account, and the investment adviser, principal underwriter, and depositor of such separate account, shall, except for the exemptions provided in paragraph (b) of this section, be subject to all provisions of the Act as though such separate account were a registered investment company issuing periodic payment plan certificates if:

(1) Such separate account is established and maintained by a life insurance company pursuant to the insurance laws or code of (i) any state or territory of the United States or the District of Columbia, or (ii) of Canada or any province thereof, if it complies to the extent necessary with Rule 7d–1 [17 CFR 270.7d–1] under the Act;

(2) The assets of the separate account are derived solely from the sale of variable life insurance contracts as defined in paragraph (c) of this section, and advances made by the life insurance company which established and maintains the separate account ("life insurer") in connection with the operation of such separate account;

(3) The separate account is not used for variable annuity contracts or for funds corresponding to dividend accumulations or other contract liabilities not involving life contingencies;

(4) The income, gains and losses, whether or not realized, from assets allocated to such separate account, are, in accordance with the applicable variable life insurance contract, credited to or charged against such accounts without regard to other income, gains or losses of the life insurer;

(5) The separate account is legally segregated, and that portion of its assets having a value equal to, or approximately equal to, the reserves and other contract liabilities are not chargeable with liabilities arising out of any other business that the life insurer may conduct;

(6) The assets of the separate account have, at each time during the year that adjustments in the reserves are made, a value at least equal to the reserves and other contract liabilities with respect to such separate account, and at all other times, except pursuant to an order of the Commission, have a value approximately equal to or in excess of such reserves and liabilities; and

(7) The investment adviser of the separate account is registered under the Investment Advisers Act of 1940.

(b) If a separate account meets the requirements of paragraph (a) of this section then such separate account and the other persons described in paragraph (a) of this section shall be exempt from the provisions of the Act as follows:

(1) Section 7.

(2) Section 8 to the extent that:

(i) For purposes of paragraph (a) of Section 8, the separate account shall file with the Commission a notification on Form N–6EI–1 which identifies such separate account; and

(ii) For purposes of paragraph (b) of Section 8, the separate account shall file with the Commission a report on a form to be designated by the Commission, within ninety days after filing the notification on Form N–6EI–1, provided, however, that if the fiscal year of the separate account ends within this ninety day period the report may be filed within ninety days after the end of such fiscal year.

(3) Section 9 to the extent that:

(i) The eligibility restrictions of Section 9(a) of the Act shall not be applicable to those persons who are officers, directors, and employees of the life insurer or its affiliates who do not participate directly in the management or administration of the separate account or in the sale of variable life insurance contracts funded by such separate account; and

(ii) A life insurer shall be ineligible pursuant to paragraph (3) of Section 9

(a) of the Act to serve as investment adviser, depositor of or principal underwriter for a variable life insurance separate account only if an affiliated person of such life insurer, ineligible by reason of paragraphs (1) or (2) of Section 9(a), participates directly in the management or administration of the separate account or in the sale of variable life insurance contracts funded by such separate account.

(4) Section 13(a) to the extent that:

(i) An insurance regulatory authority may require that the separate account make (or refrain from making) certain investments which would result in changes in the sub-classification or investment policies of the separate account, provided that such action is determined by such authority to be necessary to assure the solvency of the life insurer or to assure performance of its obligations under variable life insurance contracts funded by such separate account;

(ii) Changes in the investment policy of the separate account initiated by contractholders or the board of directors of the separate account may be disapproved by the life insurer, provided that such disapproval is reasonable and is based upon a determination by the life insurer in good faith that:

(A) Such change would be contrary to state law; or

(B) Such change would be inconsistent with the investment objectives of the separate account or would result in the purchase of securities for the separate account which vary from the general quality and nature of investments and investment techniques utilized by other separate accounts of the life insurer;

(iii) Any action taken in accordance with paragraph (b)(4)(i) or (ii) of this section and the reasons therefor shall be disclosed in writing to the board of directors of the sepaarte account which shall include such disclosure in the proxy statement for the next meeting of variable life insurance contractholders of the separate account.

(5) Section 14(a), provided that the life insurer shall have at the time of any public offering of variable life insurance contracts (i) a combined capital and surplus, if a stock company, or (ii) an unassigned surplus, if a mutual company, of not less than $1,000,000.

(6)(i) Section 15(a) to the extent this section requires that the initial written contract pursuant to which the investment adviser serves or acts shall have been approved by the vote of a majority of the outstanding voting securities of the registered company, provided that:

(A) Such investment adviser is selected and a written contract is entered into before the effective date of the registration statement under the Securities Act of 1933, as amended, for variable life insurance contracts which are funded by the separate account, and that the terms of the contract are fully disclosed in such registration statement, and

(B) A written contract is submitted to a vote of variable life insurance contractholders at their first meeting after the effective date of the registration statement under the Securities Act of 1933, as amended, on condition that such meeting shall take place within one year after such effective date, unless the time for the holding of such meeting shall be extended by the Commission upon written request for good cause shown.

(ii) Sections 15(a), (b) and (c) to the extent that:

(A) An insurance regulatory authority may disapprove any contract between the separate account and an investment adviser or principal underwriter if such action is determined by that authority to be necessary to assure the solvency of the life insurer, or to assure performance of its obligations under variable life insurance contracts funded by such separate account;

(B) Changes in the investment adviser of or principal underwriter for the separate account initiated by contractholders or the board of directors of the separate account may be disapproved by the life insurer, provided that such disapproval is reasonable and is based upon a determination by the life insurer in good faith that:

(1) The rate of the proposed investment advisory fee will exceed the maximum rate that is permitted to be charged against the assets of the separate account for such services as specified by any variable life insurance contract funded by such separate account; or

(2) The proposed investment adviser may be expected to employ investment techniques which vary from the general techniques utilized by the current investment adviser to the separate account, or advise the purchase or sale of securities which would be inconsistent with the investment objectives of the separate account, or which would vary from the quality and nature of investments made by other separate accounts of the life insurer having investment objectives similar to the separate account; or

(3) The proposed principal underwriter may be expected not to utilize procedures at least comparable to the present principal underwriter with respect to its review of the suitability of investment by prospective contractholders of the separate account, adherence to medical underwriting standards employed by the life insurer, or otherwise may endanger the solvency of such life insurer;

(C) Any action taken in accordance with paragraph (b)(6)(ii)(A) or (B) of this section and the reasons therefor shall be disclosed in writing to the board of directors of the separate account which shall include such disclosure in the proxy statement for the next meeting of variable life insurance contractholders of the separate account.

(7) Section 16(a) to the extent that:

(i) Persons serving as directors of the separate account prior to the first meeting of such account's variable life insurance contractholders are exempt from the requirement of Section 16(a) of the Act that such persons be elected by the holders of outstanding voting securities of such account at an annual or special meeting called for that purpose, provided that:

(A) Such persons have been appointed directors of such account by the life insurer before the effective date of the registration statement under the Securities Act of 1933, as amended, for variable life insurance contracts which are funded by the separate account, these directors are identified in such registration statement, and

(B) An election of directors for such account shall be held at the first meeting of variable life insurance contractholders after the effective date of the registration statement under the Securities Act of 1933, as amended, relating to contracts funded by such account, which meeting shall take place within one year after such effective date, unless the time for holding such meeting shall be extended by the Commission upon written request for good cause shown;

(ii) A member of the board of directors of such separate account may be disapproved or removed by the appropriate insurance regulatory authority if such person is ineligible to serve as a director of the separate account pursuant to insurance law or regulation of the jurisdiction in which the life insurer is domiciled.

(8) Section 17(f) to the extent that the securities and similar investments of the separate account may be maintained in the custody of the life insurer or an insurance company which is an affiliated person of such life insurer provided that:

(i) The securities and similar investments allocated to such separate account are clearly identified as to ownership by such account, and such securities and similar investments are maintained in the vault of an insurance company described in this paragraph which meets the qualifications set forth in paragraph (b)(8)(ii) of this section, and whose procedures and activities with respect to such safekeeping function are closely supervised by the insurance regulatory authorities of the jurisdiction in which the securities and similar investments will be held;

(ii) The insurance company maintaining such investments must file with an insurance regulatory authority of a state or territory of the United States or the District of Columbia an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, must be subject to supervision and inspection by such authority and must be examined periodically as to its financial condition and other affairs by such authority, must hold the securities and similar investments of the separate account in its vault, which vault must be equivalent to that of a bank which is a member of the Federal Reserve System, and must have a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000 as set forth in its most recent annual statement filed with such authority;

(iii) Access to such securities and similar investments shall be limited to

employees of or agents authorized by the Commission, representatives of insurance regulatory authorities, independent public accountants for the separate account, accountants for the life insurer and to no more than 10 persons authorized pursuant to a resolution of the board of directors of the separate account, which persons shall be directors of the separate account, officers and responsible employees of the life insurer or officers and responsible employees of the affiliated insurance company in whose vault such investments are maintained (if applicable), and access to such securities and similar investments shall be had only by two or more such persons jointly, at least one of whom shall be a director of the separate account or officer of the life insurer;

(iv) The requirement in paragraph (b)(8)(i) of this section that the securities and similar investments of the separate account be maintained in the vault of a qualified insurance company shall not apply to securities on loan which are collateralized to the extent of their full market value, or to securities hypothecated, pledged, or placed in escrow for the account of such separate account in connection with a loan or other transaction authorized by specific resolution of the board of directors of the separate account, or to securities in transit in connection with the sale, exchange, redemption, maturity or conversion, the exercise of warrants or rights, assents to changes in terms of the securities, or other transactions necessary or appropriate in the ordinary course of business relating to the management of securities;

(v) Each person when depositing such securities or similar investments in or withdrawing them from the depository or when ordering their withdrawal and delivery from the custody of the life insurer or affiliated insurance company, shall sign a notation in respect of such deposit, withdrawal or order which shall show (A) the date and time of the deposit, withdrawal or order, (B) the title and amount of the securities or other investments deposited, withdrawn or ordered to be withdrawn, and an identification thereof by certificate numbers or otherwise, (C) the manner of acquisition of the securities or similar investments deposited or the purpose for which they have been withdrawn, or ordered to be withdrawn, and (D) if withdrawn and delivered to another person the name of such person. Such notation shall be transmitted promptly to an officer or director of the separate account or the life insurer designated by the board of directors of the separate acount who shall not be a person designated for the purpose of paragraph (b)(8)(iii) of this section. Such notation shall be on serially numbered forms and shall be preserved for at least one year;

(vi) Such securities and similar investments shall be verified by complete examination by an independent public accountant retained by the separate account at least three times during each fiscal year, at least two of which shall be chosen by such accountant without prior notice to such separate account. A certificate of such accountant stating that he has made an examination of such securities and investments and describing the nature and extent of the examination shall be transmitted to the Commission by the accountant promptly after each examination.

(9) Section 18(i) to the extent that:

(i) For purposes of any section of the Act which provides for the vote of security holders on matters relating to the investment company, variable life insurance contractholders shall have one vote for each $100 of cash value, with fractional votes allocated for amounts less than $100, under their contract determined as of a record date not more than 60 days prior to any meeting at which such vote is held; and

(ii) The requirement of this section that every share of stock issued by a registered management investment company (except a common-law trust of the character described in Section 16(b)) shall be a voting stock and have equal voting rights with every other outstanding voting stock shall not be deemed to be violated by actions specifically permitted by any provision of this Rule.

(10) Section 19 to the extent that the provisions of this section shall not be applicable to any dividend or similar distribution paid or payable pursuant to provisions of participating variable life insurance contracts.

(11) Sections 22(d), 22(e) and 27(c)(1) and Rule 22c-1 promulgated under Section 22(c) to the extent:

(i) That the amount payable on death and the cash surrender value of each variable life insurance contract shall be determined on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange, but if the net valuation premium for such contract is transferred to the separate account less frequently than daily, then the amount payable on death need be determined only when such net premium is transferred, provided, in any event, that the amount payable on death shall be determined at least once each contract year; and

(ii) Necessary for compliance with this Rule 6e-2 or with insurance laws and regulations and established administrative procedures of the life insurer with respect to issuance, transfer and redemption procedures for variable life insurance contracts funded by the separate account including, but not limited to, premium rate structure and premium processing, insurance underwriting standards, and the particular benefit afforded by the contract, provided, however, that any action taken pursuant to exemption provided by this paragraph (b)(11)(ii) of this section shall, as determined by the board of directors of the separate account, be reasonable, fair and not discriminatory to the interests of the affected contractholder and to all other holders of contracts of the same class or series funded by the separate account, and, further provided that any such action shall be disclosed in the form required to be filed by the separate account with the Commission pursuant to paragraph (b)(2)(ii) of this section.

(12) Section 22(f) to the extent that transferability or negotiability of a variable life insurance contract funded by the separate account is limited by the laws of any jurisdiction in which the contract is sold, or by reasonable and fair provisions of the variable life insurance contract as determined by the board of directors of the separate account, which provisions are fully described in the prospectus for such contract.

(13) Section 27 to the following extent:

(i) Sections 27(a)(1) and 27(h)(1) to the extent that:

(A) The sales load, as defined in paragraph (b)(13)(i)(B) of this section, on any variable life insurance contract which is funded by the separate account shall not exceed 9 per centum of the total gross annual premium payments to be made thereon during the period equal to the lesser of 20 years or the anticipated life expectancy of the insured named in the contract based on the 1958 Commissioners Standard Ordinary Mortality Table; and

(B) The sales load charged on any premium payment, as used in this rule, is the excess of the gross annual premium payment over the sum of the following:

(*1*) The amount of cash value for the first year, if any, and the amount of the increase in the cash value for each subsequent year, that is not attributable to investment earnings;

(*2*) The cost of insurance based on the 1958 Commissioners Standard Ordinary Mortality Table;

(*3*) A reasonable charge necessary to cover the risk assumed by the life insurer that the assets in the separate account will be insufficient to provide for the guaranteed minimum death benefit;

(*4*) Any annual administrative fees and any first year administrative fees to cover expenses which are not recurrent in nature, which fees shall be resonable and in amounts not to exceed anticipated administrative expenses not arritbutable to sales or promotional activities;

(*5*) A deduction approximately equal to state premium taxes;

(*6*) Any additional premium charged if the insured does not meet standard underwriting requirements;

(*7*) Any additional premium specifically charged for any incidental benefits which do not vary in relation to the performance of the separate account;

(*8*) Any additional premium, in the nature of an interest or service charge or administrative fee, charged when premiums are paid more frequently than annually;

[ALTERNATIVE A]

(*9*) For a participating variable life insurance contract, the actuarial level

equivalent of dividends anticipated to be paid over the period of such contract described in paragraph (b)(13)(i)(A) of this section, assuming a gross annual investment return for the separate account which funds such contract of 4% after deduction for any Federal income taxes, and based upon the mortality, interest and lapse assumptions used in computing the dividend scale for such contract;

[ALTERNATIVE B]

(9) For a participating variable life insurance contract, the dividend reasonably anticipated to be paid for that contract year, assuming a gross annual investment return for the separate account which funds such contract of 4% after deduction for any Federal income taxes;

(ii) Sections 27(a)(3) and 27(h)(3) provided that the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract year;

(iii) Sections 27(c)(2), 26(a)(1) and 26(a)(2) provided that the life insurer complies, to the extent applicable, with all other provisions of Section 26 as if it were a trustee, depositor or custodian for the separate account, and:

(A) Files with the insurance regulatory authority of a state or territory of the United States or of the District of Columbia an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, which most recent statement indicates that it has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000;

(B) Is examined from time to time by the insurance regulatory authority of such state, territory or District of Columbia as to its financial condition and other affairs and is subject to supervision and inspection with respect to its separate account operations so as to protect the interests of persons whose contracts are funded by such account and provide assurance of performance by the separate account and the insurance company of their obligations to such persons; and

(C) Limits the charges for administrative services to amounts that are reasonable in relation to services rendered and expenses incurred. The Commission shall retain jurisdiction regarding the determination of such charges;

(iv) Section 27(c)(1) and Section 27(d), to the extent that such sections require that the variable life insurance contract be redeemable or provide for a refund in cash, provided that such contract provides for election by the contractholder of a cash surrender value or certain non-forfeiture and settlement options which are required or permitted by the insurance law or regulation of the jurisdiction in which the contract is offered, and further provided that in the absence of an election by the contractholder, such contract shall not provide for the automatic imposition of any option, including, but not limited to, an automatic premium loan, which would involve the payment of an interest or similar charge;

(v) Section 27(d), provided that the variable life insurance contract gives the holder thereof the rights to:

(A) Surrender the contract at any time during the first 30 months after issuance of such contract and receive in cash the sum of the present value of his contract which is the cash surrender value next computed after receipt by the life insurer of the request for surrender in proper form, plus, depending upon the period over which such contract has been retained by the contractholder, an amount from the underwriter or depositor of the separate account equal to that part of the excess paid for sales loading which is over 30 per centum of the gross payments made by the contractholder in the first 12 months of the contract, or 25 per centum of the gross payments made in the first 18 months of the contract, or 20 per centum of the gross payments made in the first 24 months of the contract, or 15 per centum of the gross payments made in the first 30 months of the contract, and plus, for a participating variable life insurance contract, that portion of the annual premium deducted pursuant to paragraph (b)(13)(i)(B)(9) of this section which exceeds the dividends paid to the contractholder during the applicable period; and

(B) Convert the variable life insurance contract to a life insurance policy which provides for a fixed death benefit and cash surrender value issued by the life insurer, or an affiliated life insurance company of such insurer, which provides for a fixed death benefit equal to the face amount of the variable life insurance contract, or the minimum death benefit of such contract, whichever is the greater at the time of conversion, and premiums which are based on the same issue age and risk classification of the insured as the variable life insurance contract;

(vi) A depositor or principal underwriter for a variable life insurance contract sold subject to Section 27(d) or Section 27(f) of the Act, or both, shall be exempt from the requirements of Rule 27d-1 if an insurance company undertakes in writing to guarantee the performance of all obligations of such depositor or prinicpal underwriter under Sections 27(d) and 27(f) of the Act to refund charges and such insurance company, depositor and principal underwriter comply with all provisions of Rule 27d-2;

(vii) Section 27(e) and Rule 27e-1 thereunder to the extent that the separate account and the depositor and principal underwirter therefor, when such persons are subject to paragraph (b)(13)(v) of this section, are required to provide a notice of right of withdrawal and refund to holders of variable life insurance contracts, if the life insurer or a duly authorized agent provides a notice of withdrawal and refund rights on Form N-27I-1, provided that such notice shall be sent by first class mail to the purchasing contractholder:

(A) At issuance of the variable life insurance contract, which notice may be sent together with the issued variable life insurance contract and an illustration, in a form appropriate for inclusion in the prospectus for the variable life insurance contract of gross annual premiums, death benefit and cash surrender value applicable to the age, sex and underwriting classification of the insured;

(B) Not more than 60 days nor less than 45 days prior to the expiration of the refund right required by paragraph (b)(13)(v) of this section; and

(C) Not later than 7 days prior to the expiration of the grace period provided in the variable life insurance contract for payment of any premium due during the period for which the refund right is provided, which notice may be sent together with a notification that the premium payment is overdue;

(viii) Section 27(f) and Rule 27f-1, provided that:

(A) The variable life insurance contract provides that the contractholder may elect to return the contract within 45 days of the date of the execution of the application for insurance or within 10 days after receipt of the issued contract by the contractholder, or within 10 days after mailing of the notice of the right of withdrawal, whichever is later, and receive a refund of all premium payments made for such contract;

(B) A refund of all premium payments to redeeming contractholders will not in any way affect the interests in the separate account or the benefits of other variable life insurance contractholders;

(C) Notice of such withdrawal right and a statement of charges on Form N-27I-2 is sent by first class mail to the contractholder, which notice and statement may be accompanied by the variable life insurance contract and an illustration, in a form appropriate for inclusion in the prospectus for the variable life insurance contract, of gross annual premiums, death benefit and cash surrender value applicable to the age, sex and underwriting classification of the insured;

(D) The contractholder, in conjunction with the notice of withdrawal right referred to in paragraph (b)(13)(viii)(C) of this section, is provided with a form of request for refund of premium paid, which form shall set forth:

(1) Instructions as to the manner in which a refund may be obtained including the address to which the request form should be mailed; and

(2) Spaces necessary to indicate the date of such request, the contract number and the signature of the contractholder; and

(E) Within 7 days from the receipt of such duly executed timely request for refund, the life insurer will refund in cash to the contractholder the entire amount of premium paid on the contract.

(14) Section 32(a)(2), provided that:

(i) The independent public acountant is selected before the effective date of the registration statement under the Securities Act of 1933, as amended, for variable

life insurance contracts which are funded by the separate account, and the identity of such accountant is disclosed in such registration statement, and

(ii) The selection of such accountant is submitted for ratification or rejection to variable life insurance contractholders at their first meeting after the effective date of the registration statement under the Securities Act of 1933, as amended on condition that such meeting shall take place within one year after such effective date, unless the time for the holding of such meeting shall be extended by the Commission upon written request for good cause shown.

(c) When used in this rule:

(1) "Variable life insurance contract" means a contract of life insurance, subject to regulation under the insurance laws or code of every jurisdiction in which it is offered, issued by a separate account of a life insurer, which contract, so long as premiums are paid when due in accordance with its terms, provides for:

(i) A death benefit and cash surrender value which vary to reflect the investment experience of the separate account;

(ii) An initial stated dollar amount of death benefit, and payment of a death benefit guaranteed by the life insurer to be at least equal to such stated amount; and

(iii) Assumption of the mortality and expense risks thereunder by the life insurer for which a charge against the assets of the separate account, specified and fixed in the contract, and disclosed in the prospectus, may be assessed;

(2) "Incidental insurance benefits" means insurance benefits provided pursuant to the variable life insurance contract, other than the minimum and variable death benefit, which do not vary in amount or duration in accordance with the investment performance of the separate account, and include, but are not limited to, accidental death and dismemberment benefits, disability income benefits, guaranteed insurability options, and family income or fixed benefit term riders;

(3) "Minimum death benefit" is the amount guaranteed by the life insurer to be paid pursuant to a variable life insurance contract in the event of the death of the insured without regard to the investment performance of the separate account funding the variable life insurance contract, but does not include any incidental insurance benefits.

2. The text of proposed forms N–6EI–1, N–27I–1 and N–27I–2 is set forth in Release No. IC–9104 dated December 30, 1975, copies of which have been filed with the Office of the Federal Register. Copies of such release may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Chapter II, Part 274 of Title 17 of the Code of Federal Regulations would be amended as follows:

1. The table of contents under Part 2749 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding the following new subpart immediately following the description of Section 274.217.

Subpart D—Forms for Exemptions

§ 274.301 Form N–6EI–1, notification of claim of exemption of certain separate accounts of insurance companies funding certain variable life insurance contracts filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

§ 274.302 Form N–27I–1, notice of rights of withdrawal and refund for variable life insurance contractholders filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

§ 274.303 Form N–27I–2, notice of withdrawal right and statement of charges for variable life insurance contractholders filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

II. A new subpart D would be added under Part 274 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

Subpart D—Forms for Exemptions

§ 274.301 Form N–6EI–1, notification of claim of exemption of certain separate accounts of insurance companies funding certain variable life insurance contracts filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

This form shall be filed with the Commission as required by Section 270.6e–2 of this Chapter by each insurance company with respect to each separate account for which exemption is claimed pursuant to said § 270.6e–2.

§ 274.302 Form N–27I–1, notice of rights of withdrawal and refund for variable life insurance contractholders filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

§ 274.303 Form N–27I–2, notice of withdrawal right and statement of charges for variable life insurance contractholders filed pursuant to Rule 6e–2 (§ 270.6e–2 of this Chapter).

All interested persons are invited to submit views and comments with respect to proposed Rule 6e–2 and proposed Forms N–6EI–1, N–27I–1, and N–27I–2 in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before February 20, 1976. All communications with respect to this matter should refer to File No. S7–554. Such communications will be available for public inspection.

By the Commission.

Dated: December 30, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FOOTNOTES

[1] Investment Company Act Release No. 8690, Investment Advisers Act Release No. 439 (February 27, 1975), published in the Federal Register on March 12, 1975 (40 FR 11613).

[2] Investment Company Act Release No 8826, Investment Advisers Act Release No. 463 (June 18, 1975), published in the Federal Register on July 1, 1975 (40 FR 27644).

[3] Investment Company Act Release No. 8691, Investment Advisers Act Release No. 440 (February 27, 1975), published in the Federal Register on March 12, 1975 (40 FR 11614).

[4] The application was filed on June 24, 1975 (File No. 812–3824). Notice of the application was published on August 13, 1975 (Investment Company Act Release No. 8888) and the Order of exemption was granted on October 16, 1975 (Investment Company Act Release No. 8992).

[FR Doc.76–1176 Filed 1–14–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 478–7]

[40 CFR Part 52]

VERMONT

Approval and Promulgation of Implementation Plans; Proposed Change in the Regulation for Combustion Contaminants and Particulate Matter From Incinerators in the State of Vermont

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Vermont Implementation Plan for the attainment of national ambient air quality standards.

On November 30, 1973 the Secretary of the Agency of Environmental Conservation submitted a revision to Chapter 5 of the State Environmental Protection Regulations to be included in the plan. The change in the incinerator regulation specifies that substantial operating data to show compliance with emission standards would be required in order to build or install incinerators with a capacity of less than 500 pounds per hour of refuse unless the incinerator was to be used exclusively for the destruction of pathological waste.

Copies of the Vermont submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203; The Agency of Environmental Conservation, Air and Solid Waste Programs, Division of Environmental Engineering, Montpelier, Vermont 05602; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

The Regional Administrator hereby issues this notice setting forth the Vermont revision as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, EPA, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203. Relevant comments received within 30 days of this notice will be considered and acknowledged. Comments received will be available during normal working hours at the Region I office.

The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51. All relevant material presented will be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c–5(a).

Dated: January 8, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator,
Region I.

[FR Doc.76–1242 Filed 1–14–76;8:45 am]

[40 CFR Part 85]

[FRL-479-2]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Extension of Comment Period on Proposed Emission Regulations for New Motorcycles

On October 22, 1975, the Environmental Protection Agency (EPA) published a Notice of Proposed Rulemaking for Control of exhaust emissions from new motorcycles (40 FR 49496). A ninety day public comment period was established such that comments received by January 20, 1976, would be considered in the establishment of final rulemaking.

EPA has received a request from the Motorcycle Industry Council for extension of the comment period by ten days to allow a number of motorcycle manufacturers to complete certain analyses needed to provide more substantive comment on the proposed regulations. In as much as a ten day extension of time to allow for the completion of these analyses may contribute significantly to EPA's understanding of the issues related to control of emissions from motorcycles, the period for submitting written data and views bearing on the proposed regulation is hereby extended to January 30, 1976.

Dated: January 12, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76-1245 Filed 1-14-16;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 DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 12, 1976.

The USAF Scientific Advisory Board ad hoc Committee on the Air Force Advanced ICBM Technology Program will hold meetings on February 5, 1976 from 9:00 a.m. to 5:00 p.m. and on February 6, 1976 from 8:30 a.m. to 5:00 p.m. at the Aerospace Corporation, 2350 East El Segundo Boulevard, Los Angeles, California. The meetings will be held in Building A-1 6th floor conference room.

The Committee will receive classified briefings pertinent to the Air Force advanced ICBM program. The Committee will hold classified discussions on the proposals and formulate recommendations.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-1200 Filed 1-14-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JAUNARY 12, 1976.

The USAF Scientific Advisory Board Information Processing Panel will hold a meeting on February 20, 1976 from 1:00 p.m. to 5:00 p.m. in Room 4E112, the Pentagon, Washington, D.C.

The Panel will hold classified discussions with the Assistant Chief of Staff for Communications and Computer Resources, to provide him the insights and viewpoints of the Panel on the Air Force computer program.

This meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-1201 Filed 1-14-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 12, 1976.

The USAF Scientific Advisory Board ad hoc Committee on TOA Signal Sorting and Processing Techniques will hold meetings on February 19, 1976 from 9:00 a.m. to 5:00 p.m. and February 20, 1976 from 8:30 a.m. to 12:00 p.m. in Room 5D1039, the Pentagon, Washington, D.C.

The Committee will receive classified briefings and conduct classified discussions on the Air Force TOA program.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive Directorate of Administration.

[FR Doc.76-1202 Filed 1-14-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

KNOLL PHARMACEUTICAL CO.

Manufacture of Controlled Substances; Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on November 25, 1975, Knoll Pharmaceutical Company, Production Department, 30 North Jefferson Road, Whippany, N.J. 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Hydromorphone, a basic class of controlled substance in schedule II.

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above person has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of Hydromorphone, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than February 17, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: January 6, 1976.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.76-1199 Filed 1-14-76;8:45 am]

JULES F. LADURON

Revocation of Registration

On November 19, 1975, the Acting Administrator of the Drug Enforcement Administration (DEA) issued to Jules F. Laduron, M.D. (hereinafter "Respondent"), of Muncie, Indiana, an order to show cause as to why the DEA registration previously issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked pursuant to Section 304 of the Act (21 U.S.C. 824) for reason that on August 11, 1972, in the Delaware County, Indiana Circuit Court, Respondent was convicted of a felony violation of the Indiana Dangerous Drug Act and for reason that in his application for a DEA registration, executed February 26, 1975, Respondent denied that he had been convicted of a felony in connection with the distribution of controlled substances.

On December 18, 1975, Respondent, through his attorney, waived his right

to a hearing on the order to show cause but presented a written statement setting forth his position on the matters of law and fact involved. Respondent contends that since he was sentenced to a term of imprisonment of but 180 days in County Jail or the State Penal Farm and fined the sum of $500, and since a felony under Indiana law is a crime or public offense punishable by death or imprisonment in the state prison, that Respondent was, at most, convicted of a misdemeanor.

The penalty provisions of the Indiana Dangerous Drug Act under which Respondent was convicted, Indiana Ann. Stat. § 35–3338, provides that one convicted of a violation of any provision of the [Dangerous Drug Act] "shall be imprisoned in the state prison not less than one year or more than ten years, and fined in any sum not exceeding one thousand dollars, or such person may be imprisoned in the county jail or state penal farm for any determinate period not exceeding one year and fined in any sum not exceeding $500."

In an analogous case involving the theft laws, the Supreme Court of Indiana has held that a felony is a crime or public offense for which one "may" be punished with death or imprisonment in the state prison. See "Young v. State", 260 N.E. 2d 572 (S. Ct. Ind., 1970). Since one convicted of a violation of the Indiana Dangerous Drug Act, as was Respondent, "may" be sentenced to a term of one to ten years in the state prison, the violation clearly qualifies as a felony. Furthermore, the jury found Respondent guilty as charged and that charge, as set forth in the prosecutor's affidavit, is one of unlawfully, knowingly and "feloniously" distributing a controlled substance.

For the reasons set forth above, the Acting Administrator finds that Respondent was convicted of a felony relating to the distribution of controlled substances within the meaning of section 304(a)(2) of the Controlled Substances Act (21 U.S.C. 824(a)(2)). Furthermore, the Acting Administrator has reviewed the facts and applicable law and regulations and has concluded that the continued dispensing, prescribing and administering of controlled substances by the Respondent would not be in the interest of the public health and safety.

Accordingly, under the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, the Acting Administrator hereby orders that the Certificate of Registration of Jules F. Laduron, M.D., (DEA Registration No. AL2681117) be revoked.

The Acting Administrator further finds that had a hearing been held on this matter, the Government would have produced testimony showing that Respondent was and is responsible for the diversion of controlled substances by means of prescription not issued in good faith and in the course of his professional practice. Hence, the Acting Administrator finds the existence of emergency conditions affecting the public health and safety within the meaning of 21 CFR 1316.66, and that, therefore, this order should be, and is, effective immediately.

Dated: January 9, 1976.

HENRY S. DOGIN,
Acting Administrator.

[FR Doc.76–1198 Filed 1–14–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–9903]

ALASKA

Application

JANUARY 8, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), Nikiski Alaska Pipeline Co. has applied for a 10¾-inch refined oil products pipeline right-of-way across the following land:

SEWARD PRINCIPAL MERIDIAN
ALASKA

T. 7 N., R. 11 W.,
Secs. 9 and 10.
T. 12 N., R 4 W,
Sec. 6.
T. 12 N., R. 5 W.,
Sec. 1.
T. 13 N., R. 4 W.,
Secs. 28 and 29.

The pipeline will convey refined oil products across 3.47 miles of national resource lands running from the Tesoro refinery, north Kenai, Alaska, approximately 68.9 miles to the Tesoro terminal, Anchorage, Alaska.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Anchorage District Office, Bureau of Land Management, 4700 East 72nd Avenue, Anchorage, Alaska 99502.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–1161 Filed 1–14–76;8:45 am]

BOISE DISTRICT ADVISORY BOARD

Meeting

JANUARY 7, 1976.

Notice is hereby given that the Boise District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Boise District Office, 230 Collins Road, Boise, Idaho at 9:00 a.m., February 12, 1976. The meeting will be devoted principally to the consideration of problems and programs associated with multiple use management of rangeland resources on the National Resource Lands. The meeting will consist of presentations and discussions on the following topics:

1. Proposed agricultural development program:
   a. Presentation of proposed Kuna Farm Development Plan.
   b. Environmental analysis for agricultural development program.
   c. Proposed wildlife leave areas and Sikes Act development.
2. District wild horse program.
3. Overview of grazing environmental impact statement program for Boise District.
4. Procedures for programming and reviewing Advisory Board financed range improvement projects.
5. Discussion of grazing licensing procedures.
6. Discussion of proposed Advisory Board tour.

The meeting will be open to the public. Time will be made available for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho by close of business on February 11, 1976. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager. Further information concerning the meeting may also be obtained from the District Manager. His telephone number is 342–2711, Ext. 2582.

D. DEAN BIBLES,
District Manager.

[FR Doc.76–1158 Filed 1–14–76;8:45 am]

[Wyoming 5348]

WYOMING

Notice of Application

JANUARY 9, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Secs. 5 and 6.
T. 28 N., R. 112 W.,
Secs. 32 and 33.

The pipeline will convey natural gas from a well in sec. 33, T. 28 N., R. 112 W., to an existing gathering system in sec. 6, T. 27 N., R. 112 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau

of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–1160 Filed 1–14–76;8:45 am]

[Colorado 23385–RW]

MOUNTAIN FUEL SUPPLY CO.

Notice of Pipeline Application

JANUARY 9, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Mountain Fuel Supply Company, 180 East First South, P.O. Box 11368, Salt Lake City, Utah 84139, has applied for a right-of-way for a one and one-fourth (1¼") inch gas service line crossing approximately 1,138.66 feet of the following National Resource Land in Moffat County, Colorado.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 N., R. 91 W.,
Sec. 20; NW¼SE¼.

The facility will enable the applicant to construct, operate and maintain a 1¼ inch buried gas pipeline serving Moffat County Garage, Moffat County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.76–1209 Filed 1–14–76;8:45 am]

[NM 27226 and 27236]

NEW MEXICO

Notice of Applications

JANUARY 6, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 19 S., R. 34 E.,
Sec. 5, lot 12, SW¼NE¼ and W½SE¼;
Sec. 8, W½E½;
Sec. 17, W½NE¼ and NW¼SE¼.
T. 21 S., R. 26 E.,
Sec. 12, NE¼SE¼.
T. 21 S., R. 27 E.,
Sec. 7, lots 3 and 4;
Sec. 18, lots 1, 2, 3 and 4.

These pipelines will convey natural gas across 3.802 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–1210 Filed 1–14–76;8:45 am]

SUSANVILLE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

The Susanville District Multiple Use Advisory Board will meet at 10:00 a.m. on February 27, 1976, at the District Office, Susanville, California.

The purpose of the meeting will be to consider the following items:

Home Camp-Tuledad Allotment Management Plan
Grazing Environmental Impact Statement
Wild Horse and Burro Management
Timber Sale Access
Hunter Questionnaire Survey
Report on Grazing Fee Money

The meeting is open to the public. Requests for additional information should be submitted to the District Manager, Post Office Box 1090, Susanville, California 96130, Telephone Number (916) 257–5385.

C. REX CLEARY,
District Manager, Susanville.

[FR Doc.76–1159 Filed 1–14–76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Overton Park Zoo & Aquarium, Memphis, Tennessee 38112. Dr. Joel D. Wallach, Director. Wayne Carlisle, General Curator.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
We want to obtain an endangered species permit for the following:

1 male and 1 female ring-tailed lemur (Lemur catta) for propagation and scientific purposes.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
Overton Park Zoo & Aquarium
Memphis, TN 38112

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION
Overton Park Zoo & Aquarium

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
F.J. Zeehandelaar, Inc.
407 North Avenue
New Rochelle, NY 10810
914/636-2096

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 901/726-4787
Dr. Joel D. Wallach, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
From: Jimmy Morgan Zoo
Birmingham, AL

To: Overton Park Zoo
& Aquarium
Memphis, TN 38112

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
See attached letter

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Not required

9. CERTIFIED CHECK OR MONEY ORDER *(If applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
12-1-75

11. DURATION NEEDED
Until animals are obtained.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT INDICATED IN ITEM 1 ABOVE (SEE 50 CFR 13.12(a)(1)) IS ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)* Wayne Carlisle | DATE 11-7-75

3-200
(6/74)

November 7, 1975

Director (FWS/LE)
U.S. Fish & Wildlife Service
P.O. Box 19183
Washington, D.C. 20036

Dear Sir:

The Overton Park Zoo & Aquarium, Memphis, TN 38112, 901/726-4787, Dr. Joel D. Wallach, Director is wishing to obtain an endangered species permit for the following animals:

1 male ring-tailed lemur (Lemur catta) born at the Jimmy Morgan Zoo, Birmingham, AL 2-28-74.

1 female ring-tailed lemur (Lemur catta) born at the Jimmy Morgan Zoo, Birmingham, AL 2-28-74.

The lemurs are being obtained through F. J. Zeehandelaar, Inc., 407 North Avenue, New Rochelle, NY 10810, 914/636-2096 acting as agent for the Birmingham Zoo and the Memphis Zoo (see attached letter from F. J. Zeehandelaar, Inc.)

The lemurs are being obtained for propagation and scientific purposes. Mr. Bob Truett, Birmingham Zoo Director will transport the animals in his personal vehicle. They will be transported in a cage 36" long, 22" wide and 26" high.

The animals will be housed in the Overton Park Zoo primate building. Exhibit cage measurements are 7 ft. high, 7½ ft. wide and 8½ ft. deep. The animals also have access to an isolated cage for privacy. The measurements are 6 ft. high, 4 ft. deep, and 4½ ft. wide (see attached pictures). The primate building was completed in 1969 at a cost of over $500,000.00. The animals are completely isolated from the public by a glass fronted cage.

There are three employees who will be caring for the primates, one has 7 years experience, one five years, and the other one three years experience. These employees have had experience caring for exotic primates. The Overton Park Zoo is willing to participate in an breeding program and collect any data for a studbook.

We hold the following permits:
U.S.D.I. Permit No. H-50
U.S.D.I. Permit No. PRT-7-58-S-Z-NV (loan agreement)
U.S.D.I. Permit No. 4-SC-811
We are approved by the U.S.D.A. License #63 EL-4.

If there is any additional information needed to obtain this permit, please let us know.

Sincerely,

WAYNE CARLISLE,
General Curator,
Overton Park Zoo & Aquarium.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 17, 1976 will be considered.

Dated: January 12, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service.

[FR Doc.76-1251 Filed 1-14-76;8:45 am]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southern Region of the Appalachian National Scenic Trail Advisory Council will be held at 9 A.M., E.S.T. on January 30, 1976 at the Great Smoky Mountains National Park in Gatlinburg, Tennessee.

The Council was originally established by Pub. L. 90-543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail, including the selection of rights-of-way and standards for the erection and maintenanace of markers along the trail. It was rechartered by the Secretary of the Interior on February 24, 1975 under the authority of Public Law 91-383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) to organize the Southern Region of the Advisory Council; (2) to consider procedures for trail relocations; (3) review of criteria for corridor definition; (4) to discuss the progress of State and Federal programs; and (5) to consider the problems of vehicular use of the trail.

The meeting will be open to the public. However, space is limited to seats for

fifteen people. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Deputy Regional Director, North Atlantic Region, 150 Causeway Street, Boston, Massachusetts 02114, at Area Code (617) 223–3769.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address. Copies of the minutes will also be available in Room 3308, Interior Building, 18th and C Streets NW., Washington, D.C., and at the Headquarters of the Appalachian Trail Conference, Filmore Street, Harpers Ferry, West Virginia.

DAVID A. RICHIE,
Deputy Regional Director, North Atlantic Region.

[FR Doc.76–1212 Filed 1–14–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Cancellation of Public Meeting

The January 13, 1976, meeting of the Shippers Advisory Committee, announced in the December 29, 1975, issue of the FEDERAL REGISTER (40 FR 59607), was canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). At its meeting of January 6, 1976, the Committee recommended regulations it deemed appropriate to the current supply situation, and requested that the meeting scheduled for January 13 be canceled.

Dated: January 12, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–1231 Filed 1–14–76;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for the Period January 1–June 30, 1976

Correction

In FR Doc. 76–586 appearing on page 1610 of the issue for Friday, January 9, 1976, in the penultimate line of the fourth paragraph, "$4.25 cents for a free lunch" should read "84.25 cents for a free lunch."

Forest Service

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting; Cancellation

The Notice of Meeting appearing in the FEDERAL REGISTER for January 8, 1976, which set forth a Notice of Meeting for the Oregon Dunes National Recreation Area Advisory Council to meet on Thursday and Friday, January 22 and 23, 1976, for a two-day session has been cancelled. The meeting had been scheduled for Thursday, January 22, 1976, with a tour by Council members of proposed boundary adjustments in the National Recreation Area which has been cancelled. On Friday, January 23, the Council was scheduled to meet from 10:00 a.m. to noon, and from 1:30 p.m. to 5:00 p.m. in the NRA Headquarters Conference Room at 855 Highway Avenue, Reedsport, Oregon, and this, too, has been cancelled.

Another Notice of Meeting will be published advising of the re-scheduling of the above meeting.

ROLF D. ANDERSON,
Area Ranger.

JANUARY 9, 1976.

[FR Doc.76–1204 Filed 1–14–76;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Thursday and Friday, February 26 and 27, 1976, for a two-day session. The session will start on Thursday, February 26, at 9:00 a.m. with a tour by Council members of proposed boundary adjustments in the National Recreation Area. On Friday, February 27, the Council will meet from 9:00 a.m. to noon, and from 1:30 p.m. to 5:00 p.m. in the NRA Headquarters Conference Room at 855 Highway Avenue, Reedsport, Oregon.

The purpose of the meeting on Friday morning will be to discuss the Management Plan developments and implementation and on Friday afternoon, to review the proposed boundary adjustments.

The meetings will be open to the public. Persons who wish to attend should notify Marne Irwin, 855 Highway Avenue, Reedsport, Oregon 97467. The telephone number is 503–271–3611. Written statements may be filed with the Council before or after the meetings.

The Council has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the Council Chairman. The Chairman will decide the time when public participation will take place.

ROLF D. ANDERSON,
Area Ranger.

JANUARY 9, 1976.

[FR Doc.76–1205 Filed 1–14–76;8:45 am]

MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Malheur National Forest Grazing Advisory Board will meet at 2 p.m., January 27, 1976 at Malheur National Forest Headquarters, 139 N.E. Dayton Street, John Day, OR 97845.

The purpose of this meeting is the annual meeting of the Board and to discuss the operation of Grazing Systems and the use of Criteria for Allowable Use on the Malheur National Forest during the 1976 grazing season.

The meeting will be open to the public. Persons who wish to attend should notify Fred Livingston, Advisory Board President, Long Creek, Oregon 97856, telephone number 503–934–2208. Written statements may be filed with the committee before or after the meeting.

Those attending as public members may speak up at anytime unless other rules are announced by the President at the beginning of the meeting.

Dated: January 8, 1976.

DAN E. WILLIAMS,
Forest Supervisor.

ELLIS J. CALLANTINE,
Forest Supervisor.

[FR Doc.76–1157 Filed 1–14–76;8:45 am]

MIGUEL DISTRICT GRAZING ADVISORY BOARD

Meeting

The Miguel District Grazing Advisory Board will meet at 2:00 p.m., February 10, 1976, at the Shavano Building, 101 North Uncompahgre Avenue, Montrose, Colorado. The purpose of this meeting is to hold the annual business meeting and review any recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the Miguel District Ranger, 101 North Uncompahgre Avenue, Montrose, Colorado 81401, telephone 303–249–3711. Written statements may be filed with the committee before or after the meeting.

Dated: January 8, 1976.

RONALD SMITH,
Acting Forest Supervisor.

[FR Doc.76–1203 Filed 1–14–76;8:45 am]

Rural Electrification Administration

BASIN ELECTRIC POWER COOPERATIVE AND TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for loan guarantee commitments from the Rural Electrification Administration for Basin Electric Power Cooperative of Bismarck, North Dakota, and Tri-State Generation and Transmission Association, Inc., of Northglenn, Colorado. These requests for loan guarantee commitments will assist these organizations in obtaining financing to purchase approximately ⅔ of a 1500 MW generating plant to be constructed near Wheatland, Wyoming, with associated transmission facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification

Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited 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 from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before March 15, 1976, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 9th day of January, 1976.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.76-1197 Filed 1-14-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL RADIO ASTRONOMY OBSERVATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

Correction

In FR Doc 76-401 appearing at page 1305 in the issue of Wednesday, January 7, 1976, in the third paragraph the docket number reading, "76-00156-18-80050" should read, "76-00146-18-80050".

National Bureau of Standards

COBOL (FIPS PUB 21 AND 21-1)

Proposed Interpretation for Federal Standard

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed interpretation for Federal Standard COBOL (FIPS PUB 21 and 21-1) is being recommended for Federal use.

The proposed interpretation for Federal Standard COBOL is in accordance with FIPS PUB 29—Interpretation Procedures for Federal Standard COBOL, dated 1974 June 30. If adopted, this interpretation will serve as an additional specification to Federal Standard COBOL, which is an adoption of the voluntary industry standard developed by the American National Standards Institute. The proposed interpretation was originally published for comment in the Federal Register on Tuesday, August 27, 1974 (35 FR 30960-30961). As a result of the incorporation of comments received on the original version, the National Bureau of Standards is soliciting comments on this revised interpretation. This action is regarded as essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments.

The proposed interpretation contains a definition of the problem, discussion of the issues, recommended interpretations, necessary clarifications to the Federal Standard COBOL to effect the resolution, and the effective date of the interpretation.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before April 14, 1976.

Dated: January 9, 1976.

ERNEST AMBLER,
Acting Director.

FEDERAL COBOL INTERPRETATION COMMITTEE

INTERPRETATION NO. 1—THE COMPUTE STATEMENT

Problem. There is no standard interpretation of the accuracy of the arithmetic operations and the timing and scope of the ROUNDED phrase among implementations of the COMPUTE statement. Both of these problems involve intermediate results. This situation not only adversely impacts the portability of COBOL programs, but also creates a major problem in the development of test programs in this area.

Issues. The variations in the implementation of the COMPUTE statement are due in part to the lack of specifications which address the following issues in the Federal COBOL Standard:

a. The number of decimal digits to be provided for intermediate result fields.

b. The behavior of the decimal point, if specified, in an intermediate result field.

c. The scope of applicability of the ROUNDED phrase in the COMPUTE statement.

d. Whether rounding or truncation will be applied to an intermediate result field.

Interpretation. This interpretation applies to both ANS COBOL X3.23-1968 and X3.23-1974 and is in four parts. Each part addresses one of the four issues related above.

a. The size of the intermediate result field is implementor-defined.

b. Decimal point alignment is required throughout the evaluation of the arithmetic expression.

c. The ROUNDED phrase in the COMPUTE statement applies only to the assignment of the intermediate result field to the identifier to the left of the equal sign. If the ROUNDED phrase is not specified, truncation, if required, will apply to the assignment of the intermediate result field to the identifier to the left of the equal sign.

d. The implementor will define whether truncation or rounding will occur on the intermediate result when it exceeds the size of the intermediate result field.

Discussion. The following discusses the rationale supporting each of the four points in the interpretation.

a. ANS X3.23-1968 (page 2-71, paragraph 5.1.3(5)) and ANS X3.23-1974 (page II-40, paragraph 5.1.3(5)) specify that "each implementor will indicate the technique used in handling arithmetic expressions". This specification is interpreted to mean the techniques defined by the implementor include determination of the size of the intermediate result field.

b. ANS X3.23-1968 (page 2-78, paragraph 5.4.4(1)) and ANS X3.23-1974 (page II-51, paragraph 5.3.4(1)) specify that "* * * decimal point alignment is supplied throughout the calculation". Decimal point alignment is, therefore, required throughout the development of the final result in the intermediate result field dependent only on the operands involved in an arithmetic expression.

c. ANS X3.23-1968 (page 2-76, paragraph 5.4.1) and ANS X3.23-1974 (page II-50, paragraph 5.3.1) specify that when rounding is requested (the presence of the ROUNDED phrase), the absolute value of the *resultant-identifier* is increased. Truncation will take place, as necessary, when the ROUNDED phrase is not specified. The standard does not specify or imply that the presence or absence of the ROUNDED phrase in the COMPUTE statement has any effect on the intermediate result field prior to the assignment of that field to the resultant-identifier.

d. The techniques defined by the implementor to be used in the handling of arithmetic expressions is interpreted to include the application of rounding or truncation to the intermediate result field.

Clarifications to the Federal COBOL Standard. None.

Effective date of interpretation. This interpretation is effective January 15, 1975.

[FR Doc.76-1184 Filed 1-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Change in Meeting Dates

The dates, January 29-30, 1976, for the meeting of the Immunization Practices Advisory Committee, notice of which was published in the FEDERAL REGISTER on Friday, December 19, 1975, Vol. 40, No. 245, page 58883, have been changed.

The Committee has been rescheduled to meet on February 5-6, 1976.

All other aspects of the notice published on December 19, 1975, remain the same.

Dated: January 9, 1976.

DAVID J. SPENCER,
Director,
Center for Disease Control.

[FR Doc.76-1370 Filed 1-14-76;8:45 am]

Office of Education

BILINGUAL VOCATIONAL TRAINING

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 194 (a) of Par J of the Vocational Education Act, as added by section 841(a)7 of the Education Amendment of 1974, Pub. L. 93–380, applications are being accepted for bilingual vocational training project grants and contracts.

Applications must be received by the U.S. Office of Education, Application Control Center on or before March 17, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.558. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 15, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except on Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m on the closing date.

C. *Program information and forms.* (1) Information and application forms may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, U.S. Office of Education, Regional Office Building Three, Room 5032, 7th & D Streets, S.W., Washington, D.C. 20202.

(2) To be eligible for review by the Office of Education, applications shall be submitted to the State Board for Vocational Education, for comment and should include the comment of that State board or agency with the application as required by section 196(b) of Part J (20 U.S.C. 1261). All applications must be submitted in accordance with 45 CFR Part 103, Subpart E, of the program regulations.

D. *State Board for Vocational Education comment.* An application received by the U.S. Office of Education in accordance with the notice of closing date and time requirement, not containing comments of the State Board for Vocational Education will be eligible for review. However, this does not waive the State Board for Vocational Education comment requirement. Therefore, all applicants have ten (10) calendar days following the first State Board meeting held, after the application was submitted to the U.S. Office of Education, to submit comments only of the State Board for Vocational Education to the U.S. Office of Education. State Board for Vocational Education comments submitted apart from the application are to be submitted to the Division of Research and Demonstsration, sion of Research and Demonstration, cation, Office of Education, Regional Office Building Three, Room 5032, 7th & D Streets, S.W., Washington, D.C. 20202. An application submitted not containing comments of the State Board for Vocational Education shall indicate the date of the State Board for Vocational Education meeting when the application will be reviewed for comment. In the event the State Board for Vocational Education is reluctant in providing timely comment on the application, the applicant shall notify the Demonstration Branch, Division of Research and Demonstration, Bureau of Occupational and Adult Education, U.S. Office of Education, Regional Office Building Three, Room 5032, Washington, D.C. 20202, (202–245–2614) of the circumstances. Upon such notification, U.S. Office of Education officials will intervene and follow-up in obtaining comment from the State Board for Vocational Education.

E. *Eligible applicants.* The following are eligible for grants or contracts, as set forth in section 194(a) of the Act and § 103.43 of the regulations:

(1) Local educational agencies;

(2) Appropriate State agencies;

(3) Postsecondary educational institutions;

(4) Private nonprofit vocational training institutions; and

(5) Nonprofit organizations especially created to serve a group whose language as normally used is other than English (substantiate eligibility).

Private for-profit agencies and organization are only eligible for contracts.

F. *Awards.* Maximum award shall not exceed 12 months.

G. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations on Bilingual Voctional Training (45 CFR Part 103 Subpart E) published in the proposed rules section of this issue of the FEDERAL REGISTER.

(20 U.S.C. 1393–1393f)

(Catalog of Federal Domestic Assistance Number 13.558; Bilingual Vocational Training)

Dated: September 24, 1975.

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

[FR Doc.76–1222 Filed 1–14–76;8:45 am]

Office of the Assistant Secretary of Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Amended Notice of Meeting

The time of the Sunday meeting and closing date for registration for the February 8–9, 1976, meeting of the President's Biomedical Research Panel as announced in 41 FR 1507, Thursday, January 8, 1976, have been changed. The meeting originally scheduled from 9 a.m. to 12 noon, and from 5:00 p.m. to 7:00 p.m. on Sunday, February 8, is now scheduled from 9:00 a.m. to 5:00 p.m. on February 8. The Chairman may adjourn this session earlier than 5:00 p.m. in order to allow individual Panel Members to draft elements of the report. The schedule for Monday, February 9, has not changed and both days of meetings as scheduled are open to the public. Conference participants and the public must be registered by session, by Friday, January 30, 1976, to obtain entry to the Conference Room.

Dated: January 9, 1976.

CHARLES U. LOWE,
Executive Director.

[FR Doc.76–1220 Filed 1–14–76;8:45 am]

Social Security Administration

EMERGENCY SERVICES CLAIMS

Modifications in Delegations of Authority Pertaining to the Handling

Pursuant to the hospital insurance part of the Medicare program, under Part A of title XVIII of the Social Security Act, as amended (the Act), payments may be made for services provided to Medicare beneficiaries by hospitals participating in the Medicare program, provided such services are both medically necessary and covered under the Medicare program. Ordinarily, services povided by hospitals which have elected not to participate in the Medicare program would not be covered under Medicare. However, certain emergency services provided to a Medicae beneficiary by a non-participating hospital may be covered under the Medicare program, if it is determined that the particular non-participating hospital:

(1) Meets the statutory requirements of section 1861(e) after (9) of the Act and regulatory requirements which are specified in § 405.152 of Social Security Regulations No. 5 (20 CFR 405.152);

(2) Is the most accessible hospital available, as specified in § 405.192 of Social Security Regulations No. 5 (20 CFR 405.192); and

(3) Is equipped to handle the particular emergency.

Title XVIII of the Act vests with the Secretary of Health, Education, and Welfare (the Secretary) authority to make such determinations to implement the emergency services provisions of section 1814(d) of the Act. The Secretary has delegated this authority to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836–37, dated April 16, 1968).

I. On July 3, 1969, the Commissioner redelegated this authority to the following Social Security Administration (SSA) positions, without authority to further redelegate:

A. Assistant Bureau Director (State Operations) and Deputy Assistant Bureau Director (State Operations), Bureau of Health Insurance.

B. Regional Commissioners.

C. Regional Representatives, Health Insurance.

II. On August 2, 1973, the Commissioner redelegated the subject authority, without authority to further redelegate, to the SSA position of Program Officer (Contractors), which is located in each of the ten Regional Offices of the Bureau of Health Insurance.

III. Notice is hereby given that the Commissioner has rescinded the August 2, 1973 redelegation of the subject authority to the position of Program Officer (Contractors) in Regional Offices of the Bureau of Health Insurance, as described in Paragraph II above.

IV. Notice is also hereby given that the Commissioner has modified the prior restriction whereby those SSA positions redelegated the subject authority could not further redelegate such authority. As a result, notice is hereby given that Regional Representatives, Health Insurance may now further redelegate this authority to other positions in Regional Offices of the Bureau of Health Insurance at or above the Program Officer level, provided that such further redelegations receive prior formal concurrence from the Director, Bureau of Health Insurance.

V. The modifications in redelegations of the subject authority described in Paragraphs III and IV above are effective upon publication in the FEDERAL REGISTER. Further redelegations of this authority may not be made, except as specified in Paragraph IV above.

Dated: January 9, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-1213 Filed 1-14-76;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

COMMEMORATION OF THE AMERICAN REVOLUTION BICENTENNIAL

Designs for Use

The Administrator of the American Revolution Bicentennial Administration (ARBA) hereby gives notice and certifies that the two designs illustrated herein were originated under the authority of the American Revolution Bicentennial Administration as "logos, symbols, or marks" for use in connection with the commemoration of the American Revolution Bicentennial. These designs will appear on the official national Bicentennial medal to be struck by the U.S. Mint pursuant to Pub. L. 92-228 "commemorating the year 1776 and its significance to American independence." One design, illustrated below, features the Statue of Liberty surrounded by 50 stars together with the dates "1776 and 1976" and the words "life, liberty, and the pursuit of happiness."

Another design, illustrated below, bears the Great Seal of the United States with the words "American Revolution Bicentennial" and the opening words of the Constitution "We the People" together with two representations of the official Bicentennial symbol previously adopted by the ARBA with notification thereof in the FEDERAL REGISTER (36 FR, No. 60, March 27, 1971 and 39 FR, No. 15, January 22, 1974). The picturizations, words, and dates in the juxtaposition in each of the two designs constitute unique original "logos, symbols, or marks" originated under the authority of the ARBA pursuant to Section 2(i) of Public Law 93-179, approved December 11, 1973, which provides as follows:

Whoever, except as authorized under rules and regulations issued by the Administrator, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Administrator for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or holds out to the public objects in such a manner as to suggest any such logos, symbols, or marks not officially authorized by the Administrator, shall be fined not more than $250 or imprisoned not more than six months or both: Provided, That this section shall be applicable upon publication in the FEDERAL REGISTER of notification of certification hereunder by the Administrator with respect to each such logo, symbol, or mark.

Accordingly, no manufacture, reproduction, or use of these two designs is permitted without the express written authorization of theARBA.

JOHN W. WARNER,
Administrator.

JANUARY 12, 1976.





[FR Doc.76-1234 Filed 1-14-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27919]

FLYING TIGER LINE INC., ET AL.

Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given that the hearing in the above-entitled matter, now assigned to be held on January 26, 1976 (40 FR 58169, December 15, 1975), is indefinitely postponed.

Dated at Washington, D.C., January 9, 1976.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76-1219 Filed 1-14-76;8:45 am]

[Docket No. 28721]

GARUDA INDONESIAN AIRWAYS

Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on February 9, 1976, at 10:00 a.m. (local time), in Room 1003-B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 26, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., January 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-1218 Filed 1-14-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS

New Requirements for Export Visas from the Republic of China

JANUARY 9, 1976.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745) a letter dated September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool

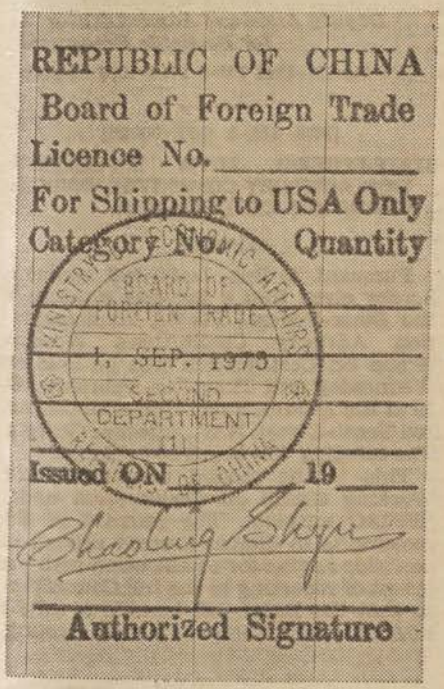
and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States, for which the Government of the Republic of China had not issued a visa.

The purpose of this notice is to announce that, effective on January 15, 1976, visas for cotton, wool, and man-made fiber textile products exported from the Republic of China will include a red stamp superimposed on the visa. Shipments of cotton, wool, and/or man-made fiber textile products exported before January 15, 1976 will be permitted entry without the red stamp, provided they are visaed in accordance with previously established procedures. Shipments exported after January 15, 1976 will be permitted entry without the red stamp until March 15, 1976, provided they are visaed in accordance with previously established procedures.

Interested parties are advised to take all necessary steps to ensure that visas for cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of China, which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated requirement. A facsimile of the visa with the new stamp is published as an attachment to this notice.

There is published below a letter of January 9, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance,, U.S. Department of Commerce.



COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C. 20229.

JANUARY 9, 1976.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in the Republic of China, for which the Republic of China Government had not issued a visa.

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement of May 21, 1975 between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of September 27, 1972 is further amended to require that, effective on January 15, 1976, visas accompanying shipments of cotton, wool, and/or man-made fiber textile products from the Republic of China will have a red stamp superimposed on the visa. Shipments exported before January 15, 1976 may be permitted entry without the red stamp, provided they are visaed in accordance with previous directives. Shipments exported after January 15, 1976 may be permitted entry without the red stamp until March 15, 1976, provided they are appropriately visaed in accordance with previous directives.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76–1458 Filed 1–14–76;11:50 am]

DELAWARE RIVER BASIN COMMISSION

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 28, 1976, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subject of the hearing will be applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to § 3.8 of the Compact.

1. *Monroe County General Authority (D–74–41 CP-rev.)*. Revisions to the Eastern Metropolitan Area Sewerage Plan serving the Boroughs of Stroudsburg and East Stroudsburg and portions of adjacent townships in Monroe County, Pa. The existing Stroudsburg treatment plant will be phased out. The present East Stroudsburg plant will be upgraded, and a secondary treatment plant will be constructed at the confluence of Brodhead Creek and the Delaware River.

2. *Pennsylvania Dept. of Enivronmental Resources, Bureau of State Parks (D–75–148 CP)*. Expansion of the sewage treatment plant in the Promised Land State Park in Greene Township, Pike County, Pa. Capacity of the treatment facility will be increased to 200,000 gallons per day and will provide about 94 percent removal of BOD_5 and suspended solids. Treated effluent will discharge to the East Branch of Wallenpaupack Creek.

3. *New Castle County Dept. of Public Works (D–75–139 CP)*. A groundwater decontamination project in Llangollen, New Castle County, Del. Approximately 1.9 million gallons per day of groundwater is being pumped from an area around the Llangollen landfill in order to prevent underground movement of contaminated waters. Water withdrawn from the ground is discharged into Army Creek, a tributary of the Delaware River.

4. *Board of New Castle Water & Light Commissioners (D–75–146 CP)*. A well water supply project to augment public water supplies in the City of New Castle, New Castle County, Del. A new replacement well will be utilized which is expected to yield approximately 430,000 gallons per day.

5. *Borough of East Stroudsburg (D–75–147 CP)*. A well water supply project to augment public water supplies in the Borough of East Stroudsburg, Monroe County, Pa. Designated as Wells Nos. 1 and 2, the new facilities are expected to yield 290,000 and 150,000 gallons per day, respectively.

6. *Sohio Petroleum Co. (D–75–124)*. Modification of mooring dock number 1 at the company's refinery in the Borough of Marcus Hook, Delaware County, Pa. Dredging and the addition of a mooring dolphin will expand the docking facilities to accommodate 100,000 DWT tankers.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

JANUARY 9, 1976.

[FR Doc.76–1206 Filed 1–14–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 473-2]

CALIFORNIA

Marine Sanitation Device Standard

On September 26, 1975, notice was published that the State of California had requested a determination by the Administrator, Environmental Protection Agency, pursuant to section 312(f)(3) of Pub. L. 92-500 that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Upper and Lower Newport Bays, Sunset Bay inland of the Pacific Coast Highway Bridge, and Huntington Harbor.

The information submitted to me certifies that pump-out facilities are located on a dock adjacent to the Orange County harbors, beaches and parks/harbormaster/Coast Guard docks in Newport Bay, and on a dock near the launch ramp at Sunset Aquatic Park Marina in Sunset Bay. Service boats equipped to pump out holding tanks are available through Sea Lancers, Greg Boston Associates, and California Recreational Co. Recently constructed docks, particularly in the Huntington Harbor area, are equipped with direct sewer connections; onboard pumps are used to empty holding tanks into the sewers. The two dockside pump-out facilities are available for use 24 hours a day. According to the California petition, the convenient locations, the 24-hour/day availability, the fact that no charge is made for pump-out service, and the observed five-minute pump-out time for most boats demonstrate that such service is readily available and adequate. The information submitted to me certifies that there are no point source discharges from pump-out facilities into the designated no-discharge waters. Public treatment works which receive sewage from such pump-out facilities comply with applicable discharge permits.

The Agency has received no comments in opposition to the State of California's petition on the merits.

Following an examination of the petition and supporting information, and a consideration of all comments received pursuant to the September 26 FEDERAL REGISTER notice, I have determined that adequate faciilties for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Upper and Lower Newport Bays, Sunset Bay inland of the Pacific Coast Highway Bridge, and Huntington Harbor within the State of California. This determination is made pursuant to section 312(f)(3) of Pub. L. 92-500.

Dated: January 9, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-1247 Filed 1-14-76;8:45 am]

[FRL 476-3]

MICHIGAN

Marine Sanitation Device Standard

On October 9, 1975, notice was published that the State of Michigan had requested a determination by the Administrator, Environmental Protection Agency, pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Michigan waters of Lakes Michigan, Huron, Superior, Erie and St. Clair, all waterways connected thereto, and all inland lakes.

The information submitted to me certifies that as of 1972 there were 49 public marinas, 104 commercial marinas available for use to the public, and 19 private marinas not available to the public, all of which have pump-out facilities to serve the recreational boating public. The State estimates that the number of recreational pump-out facilities now exceeds 200. It has been certified by the State that the treatment of wastes from each pump-out facility conforms to State and/or Federal requirements as defined in permit requirements. Moreover it has been certified by the State that although adequate pump-out stations are not available at all commercial ports, licensed septic tank haulers are reasonably available on call or through contract to pump out commercial vessels at any port in Michigan. For the 20 major ports that service commercial vessels, at least one such hauler is available for each of only three ports, and for each of the remaining ports there are up to eight such haulers available. In populated areas such haulers are available within a 15-mile radius from the port, whereas in upper Michigan's unpopulated areas such haulers are available within a 25-mile radius from the port. As part of the license, such haulers must deposit wastes into State-approved municipal treatment facilities.

The information submitted to me certifies further that the quality or concentration of chemicals presently used as preservatives or odor suppressants for holding tanks will not prove a deterrent to the operation of the receiving municipal wastewater treatment plant. Such septic tank waste haulers are being and can be used successfully within the State of Michigan to pump out commercial the vessel or from a dockside holding vessel holding tanks either directly from tank to which sewage is pumped using the ship's pumps.

The Agency received approximately 169 comments in support of the Michigan petition. Approximately 26 comments were received opposing the petition; most of these commented on the general inadequacy of recreational pump-out facilities. Specifically, those opposing the petition variously complained of insufficient suction to pump out all types of recreational boats, inadequate operating hours, inconvenient locations, and excessive time requirements for pump out.

Following an examination of the petition and supporting information, and a consideration of all comments received pursuant to the October 9 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Michigan waters of Lakes Michigan, Huron, Superior, Erie and St. Clair, all waterways connected thereto, and all inland lakes. This determination is made pursuant to section 312(f)(3) of Pub. L. 92-500.

Dated: January 9, 1976.

RUSSEL E. TRAIN,
Administrator.

[FR Doc.76-1248 Filed 1-14-76;8:45 am]

[FRL 478-6; OPP-180058B]

MEDITERRANEAN FRUIT FLY IN CALIFORNIA

Issuance of Specific Exemption to U.S. Department of Agriculture to Control

Correction

In FR Doc. 75-32609 appearing at page 56476 in the issue of December 3, 1975, the following correction should be made:

The sentence beginning in the twenty-third (23rd) line of the first paragraph in the second column now reading "No residue tolerances have been established on crops." should read "No residue tolerances have been established on the various fruit and vegetable crops."

Dated: January 12, 1976.

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

[FR Doc.76-1246 Filed 1-14-76;8:45 am]

[FRL 478-4; OPP-00020]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE WORKING GROUP ON CERTIFICATION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification will be held on Wednesday and Thursday, February 18-19 at the Atlanta Town House Motor Inn, 100 Tenth Street, N.W., Atlanta, Georgia. The meeting will begin at 8:30 a.m.

This is the second meeting of the Working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator certification with the intent of reporting to the full Committee, so that the latter will be able to advise EPA on certification at its next meeting.

currently scheduled for March 10–11.

This meeting is open to the public. For further details, please contact James H. White, Acting Chief, Certification and Regional Support Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–2972.

Dated: January 9, 1976.

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

[FR Doc.76–1249 Filed 1–14–76;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND SOUTHERN STEVEDORING CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 4, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to produce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr. Traffic Manager, Port of Galveston, P.O. Box 328, Galveston, Texas 77550

Agreement No. T–3207, between Board of Trustees of the Galveston Wharves (Galveston) and Southern Stevedoring Co., Inc., (Southern), provides for the preferential lease by Galveston of certain premises to be used and occupied by Southern as a public terminal solely to carry on the business of handling bananas, other tropical fruit and general cargo. As compensation, Southern shall pay $23,000 per annum plus tariff charges. In the event Southern issues a terminal tariff pertaining to its operations, such tariff shall be subject to Galveston's approval.

Dated: January 12, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–1223 Filed 1–14–76;8:45 am]

[Docket No. 76–2]

BORDEN INC., INTERNATIONAL V. VENEZUELAN LINE

Filing of Complaint

Notice is hereby given that a complaint filed by Borden Inc., International against Venezuelan Line was served January 8, 1976. The complaint alleges that complainant has been subjected to payment of charges for transportation in excess of those lawfully applicable, in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before July 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–1225 Filed 1–14–76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01055	Farrell Lines, Inc.: *Austral Glen, Austral Rainbow.*
01233	Buries Markes Ltd.: *La Colina.*
01334	American President Lines, Ltd.: *President Truman, President Roosevelt.*
01354	H. E. Hansen-Tangen: *Evina.*
01423	Charente Steamship Company Ltd.: *Specialist.*
01611	Helge R. Myhre: *Hebe.*
01832	Aruba Tankers Corporation: *World City.*
01935	Partnership Between Steamship Company Svendborg Ltd. & Steamship Company of 1912 Ltd.: *Anna Maersk.*
02146	Pittston Marine Transport Corp.: *Rockland.*
02154	Seamar Shipping Corporation: *Doceriver.*
02234	Gulf Mississippi Marine Corporation: *Farrell 256.*
02333	Diamond Shamrock Corporation: *Star Shamrock.*
02363	Rederiet Otto Danielson: *Marie Hellskov, Ulla Danielson, Lis Danielsen.*
02457	John Swire & Sons Ltd.: *Eredine.*
02465	Koch-Ellis Marine Contractors Inc.: *L.E.C.–4, KE–45.*
02468	Czechoslovak Ocean Shipping: *Trinec.*
02874	West India Industries, Inc.: *Inagua Surf.*
02982	The Shipping Corporation of India, Ltd.: *Vishva Ajay.*
03044	Bouchard Transportation Co., Inc.: *B No. 125.*
03276	Universe Tankships, Inc.: *Universe Sentinel.*
03708	Pudget Sound Tug & Barge Co.: *PAC 336–1, PAC 336–2, PAC 160–1, PAC 160–4, 560, 504, 537.*
03736	Bethlehem Steel Corporation: Marymar.
04136	Thomas Marine Company: *Sarah E. Thomas.*
04226	National Marine Service, Inc.: *N.M.S. No. 1903.*
04480	Omaezaki Enyo Gyogyo Kyodo Kumiai: *Kaiho Maru No. 38.*
04569	Marasia, S.A.: *Atlantico.*
04606	Marquette Company: *J.E. Poole.*
05239	Zapata Off-Shore Company: *Zapata Lexington, Zapata Saratoga, Zapata Yorktown.*
05378	Gulf States Oil Transportation Co.: *Butcher No. 1.*
05520	Union Carbide Corp.: *USL–137, USL–491, USL–492, USL–493, USL–602, USL–616, USL–617.*
05537	Empresa Navegacion Mambisa: *Moncada.*
05577	Far Eastern Shipping Company: *Stary Bolshevik, Askold, Lyudmila Stal, Kapitan Samoylenko, Pioneer Chukotki.*
05579	Black Sea Shipping Company: *Odessa.*
05631	Manson Construction & Engineering Co.: *Norseman.*
05736	Flota Cubana de Pesca: *Rio Las Casas, Rio Cauto, Rio Canimar.*
05773	Paducah Marine Ways Inc.: *MV 282.*
07360	Hokuyo Suisan Kabushiki Kaisha: *Nagisa Maru.*
07942	Solstad Rederi A/S: *Sol Neptun.*
08468	Vroon B. V. (Handels-En Scheepvaart Ond.): *Normand Express.*
08530	Prompt Shipping Corporation: *Banda Career, Beaufort Career.*
08777	Jebsens (UK) Ltd.: *Rocknes.*
08853	Interessentskapet Saga Sierra: *Osco Sierra.*
09016	Apex Barge Company: *Apex 1806.*
09122	Gallic Shipping Ltd.: *Gallic Minch.*
09785	San Diego Transportation Company: *420.*
09997	Robinia Shipping Co. S.A.: *Mercury Bell, Muse Bell*
10260	Hollywood Marine Inc.: *Debbie, GDM 40, GDM 50, Wasson No. 1, Wasson No. 5, Wasson No. 8, Wasson No. 2.*
10271	Naviera Del Noroeste S.A.: *Castellblanch.*
10273	Namyangsa Co., Ltd.: *Carnation No. 52.*
10297	Imec Naviera Co., S.A.: *Seishu Maru No. 2.*
10400	Odeco Inc.: *Ocean Express.*
10603	Zapata Product Tankers, Inc.: *Zapata Rover.*
10609	Azuma Kaiun K.K.: *Tosho Maru.*
10618	Nikko Shipping Co., Ltd.: *Taikoh Maru.*
10637	Libra-Linhas Brasileiras De Navegacao S.A.: *Heysa.*
10655	Barge Seventeen Company: *Swann 17.*
10664	R. B. Kirkconnell & Bro. Ltd.: *Kirk-B.*
10676	Trader Navigation Company Ltd.: *Vancouver Forest.*
10751	Ellen Tankers, Inc.: *Ellen Conway.*
10753	Almanon Shipping Inc.: *Marouko.*
10763	Halliburton Ltd.: *Halliburton 219.*

Certificate No.	Owner/operator and vessels
10764	Dinaco Compania De Navegacion S.A. Panama: *Norbega.*
10765	Koroni Shipping Inc.: *Nisyros Era.*
10770	Korinthiacos Gulf Shipping Co., S.A.: *Korinthiacos Gulf.*
10771	Alexandria Shipping and Navigation Co.: *Al Kaherah.*
10772	Daiwa Line S.A.: *Atlantic Albatross.*
10775	Bantry Bay Shipping Company Inc.: *Irongate.*
10776	Liberian Candour Transports, Inc.: *Asia Botan.*
10777	Liberian Diamond Transports, Inc.: *Asia Loyalty.*
10778	Liberian Orchid Transports, Inc.: *Golden Orchid.*
10780	Liberian Lotus Transports, Inc.: *Golden Lotus.*
10781	Liberian Sabre Transports, Inc.: *Allied Enterprise.*
10782	Liberian Spear Transports, Inc.: *Asia Culture.*
10783	Liberian Fame Transports, Inc.: *Asia Momo.*
10784	Liberian Gold Transports, Inc.: *Asia Gold.*
10785	Liberian Flamingo Transports, Inc.: *Asia Flamingo.*
10786	Liberian Heron Transports, Inc.: *Asia Heron.*
10787	Liberian Crane Transport, Inc.: *Asia Morality.*
10788	Tropigas Carriers, Inc.: *Fred H. Billups.*
10789	Tropigas Tankers, Inc.: *Marian P. Billups.*
10790	Coordinated Caribbean Transport, Inc.: *Mar Caribe.*
10793	Nordic Offshore Drilling Company: *Havdrill.*
10794	Probity Shipping Corporation: *Anatoli.*
10795	Azalea Shipping Company Ltd.: *Lambros Tsagliotis.*
10796	Kisobe Tanimizu: *Yusei Maru 8.*
10797	Atlantic Trading AB. Ltd.: *Tellholm.*
10798	Minoamar Corporation: *Minos.*
10800	Partrederiet Polycrest: *Polycrest.*
10801	Fairford Shipping Company Ltd.: *Water Prince.*
10804	Marsenda Compania Naviera S.A.: *Tetien.*
10805	Kukje Shipping Co., Ltd.: *Ocean Star.*
10808	Alkaios Maritime Corp.: *Alkaios.*
10809	Petry CIA S.A. Panama: *Ocean Tanker.*
10810	Epsilon Fisser KG & Co.: *Sunfrancis.*
10811	Kazuyuki Matsumoto: *Shinyo Maru No. 11.*
10812	Continental Shipping Co. N.V.: *Jean Anne.*
10813	Benitses Shipping Corporation: *Sun Benitses.*
10814	Kryoneri Shipping Corporation: *Kallipolis.*
10815	Consorcio Naviero Candelarias, Ltd.: *Candelaris III.*
10816	Westport Navigation Corporation: *Elijanni.*
10817	Valour Bay Shipping Co. Ltd.: *Eldania.*
10818	M & M Transeas Navigation Co. Ltd.: *Elenia.*
10819	Azurmaris Corporation S.A.: *Elcandia.*
10820	Conon Shipping Inc.: *Euroleader.*
10823	Okayama Senpaku Kabushiki Kaisha: *Toyofuji Maru.*
10824	Societe Maritime de Transports Petroliers Petromer: *Gironde.*
10825	Good Mate Marine Company Ltd.: *Good Mate.*
10826	Garcia y Vidal Armadores, S.A.: *Teucro, Ria de Pontevedra.*
10827	Galaxy Transport Inc.: *Sun Salvia.*
10830	Bunge Towing, Inc.: *Terry K.*
10832	Makrynitsa Shipping Corporation: *Palm B.*
10833	Mid East Shipping Inc.: *Newton.*
10835	Hals Corporation: *Hunter Bow.*
10836	Hasting Corporation: *Hastings.*
10837	The Great Circle Shipping Co., S.A.: *Gracious Fountain.*
10838	Pacific Union Navigation S.A.: *Nadayoshi No. 3.*
10854	The Saudi Arabian Shipping Co., Ltd.: *Badr.*
10855	Alkor Shipping Company Limited: *Altanin.*
10856	Myrna Navigation Co. Ltd.: *Brigina I.*
10857	Sedco Inc.: *Sedco J.*
10858	Burtie Co., Inc.: *Lady Victoria.*
10860	Providential Shipping Corp.: *Scarlet Mare.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1226 Filed 1-14-76;8:45 am]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 4, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 5660-20, among the member lines of the above-named conference establishes a new self-policing body to be known as the Neutral Enforcement Authority, and sets forth the duties and responsibilities of this body.

Dated: January 12, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1224 Filed 1-14-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-383]

CENTRAL MAINE POWER CO.

Notice of Request for Waiver

JANUARY 7, 1976.

Take notice that on December 19, 1975, Central Maine Power Company (Central Maine) filed a request for waiver of the January 1, 1976, deadline for filing a revised fuel adjustment clause in compliance with Order No. 517 in Docket No. R-479. Central Maine requests permission to extend the filing date until June 30, 1976 in order to fully evaluate and prepare the revised clause.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1190 Filed 1-14-76;8:45 am]

[Docket Nos. CP73-47, CP73-88, CP73-139, CP73-197, and CP73-199]

EASCOGAS LNG, INC., ET AL.

Notice of Availability of Supplement to Final Environmental Impact Statement

JANUARY 20, 1976.

Notice is hereby given in the above dockets, that on January 20, 1976, as required by § 2.82(b) of Commission Order No. 415-C, a Supplement to a Final Environmental Impact Statement, prepared by the staff of the Federal Power Commission, was made available. The Final Environmental Impact Statement (FEIS), circulated August 5, 1974, deals with the applications filed by Eascogas LNG, Inc., Algonquin LNG, Inc., Algonquin Gas Transmission Company and New England LNG, Inc. in Docket Nos. CP73-47, CP73-88, CP73-139, CP73-197, and CP73-199 for a certificate of

public convenience and necessity under Sections 3 and 7c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of (1) an LNG importation terminal at Providence, Rhode Island, (2) approximately 3.2 miles of 30-inch diameter on-land pipeline, (3) a dual 24-inch diameter 0.6-mile underwater pipeline, (4) 1.2 miles of 30-inch diameter and 2.0 miles of 16-inch diameter pipeline loops; and for the sale in interstate commerce of the imported LNG. During the course of FPC hearings concerning the FEIS might be required. Also, since the circulation date, additional studies concerning possible vapor cloud travel resulting from a massive spill of LNG on water have been completed by the FPC staff, which update the former studies attached to the FEIS. A supplement to the FEIS reflecting this updating of vapor travel analysis was circulated for comments on July 15, 1975 to Federal, state and local agencies, and all parties to the proceeding. At the end of the 45-day comment period for the supplement to the FEIS, three letters of comment were received from reviewing agencies. These Letters of comment, along with staff responses to each comment, are attached to this Supplement to the FEIS as Appendix 1.

The FEIS and Supplement to the FEIS have been placed in the public files of the Commission, and are available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the Supplement to the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1185 Filed 1-14-76;8:45 am]

[Docket No. ER76-397]

GEORGIA POWER CO.

Notice of Tender of Revised Fuel Clause

JANUARY 7, 1976.

Take notice that Georgia Power Company (Georgia Power) on December 29, 1975, tendered for filing Revised Sheet Nos. 24, 25 and 25A to its FPC Electric Tariff, Original Volume No. 1. Georgia Power avers that the rates and charges contained in the tendered tariff sheets reflect an amended fuel cost adjustment clause for its full requirements tariff which conforms to Order No. 517, issued November 13, 1974, in Docket No. R-479. Georgia Power requests that the amended fuel clause be made effective as of February 1, 1976.

Georgia Power states that it served copies of the revised sheets on its jurisdictional customers and copies of its entire filing on all parties appearing on the official service list compiled in Docket No. E-9091.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1189 Filed 1-14-76;8:45 am]

[Docket No. RP73-17 (PGA 76-2)]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JANUARY 2, 1976.

Take notice that on December 24, 1975, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street, Portsmouth, New Hampshire 03801, on December 24, 1975, tendered for filing Eleventh Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 15, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes reflect changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee has proposed to make effective January 15, 1976, in Docket No. RP75-113.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Eleventh Revised Sheet No. 3A is $850,882. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1975.

According to Granite State, copies of the filing were served by Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1193 Filed 1-14-76;8:45 am]

[Docket No. ER76-372]

ILLINOIS POWER CO.

Notice of Filing of Modification No. 1 and Revised Exhibit B to Interconnection Agreement

JANUARY 7, 1976.

Take notice that Illinois Power Company (Illinois Power) on December 18, 1975, tendered for filing proposed Modification No. 1 and Revised Exhibit B to the Inter-connection Agreement dated August 13, 1974, between Illinois Power and the Cities of Breese and Carlyle, Illinois Power states that Modification No. 1 is proposed to be effective September 1, 1975. Section 3 (Short-Term Firm Capacity and Energy) and Section 5 (Maintenance Power), of Article IV (Service to be Rendered and Rates) would be modified as follows:

(i) Increase the reservation charge for Short-Term Firm Capacity from 10 cents to 11 cents per day or 50 cents to 55 cents per week for each kilowatt of power reserved.

(ii) Increase the reservation charge for Maintenance Power from 8 cents to 9 cents or 40 to 45 cents per week for each kilowatt of power reserved. Should unforeseen events force a curtailment of power by the supply party on any day for any part of that day, the charge shall be reduced by 9 cents per day for each kilowatt so curtailed, but no more than 45 cents per week per kilowatt.

Illinois Power states that the 55 cents rate per kilowatt per week for Short-Term Firm Capacity maintains a differential between Firm Capacity and Maintenance Power identical to that existing under the original agreement. This differential is to compensate for the reserve component included in furnishing firm capacity, the Company asserts.

Illinois Power states further that Revised Exhibit B reflects the actual costs of additional facilities which have been installed by Illinois Power to provide for the interconnection. These charges include a one time charge to cover non-capitalized costs of making the interconnection and a monthly charge equal to 1.25% of Illinois Power capitalized investment in these additional facilities. The parties have requested that Revised Exhibit be permitted to become effective March 7, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1192 Filed 1-14-76;8:45 am]

[Docket No. ER76-370]

LONG ISLAND LIGHTING CO.

Notice of Filing of Exchange Agreements

JANUARY 7, 1976.

Take notice that on December 16, 1975, Long Island Lighting Company (LILCO) tendered for filing as separate rate schedules two separate but related agreements to exchange capacity and energy with member companies of the Northeast Utilities system.

The first agreement, dated June 1, 1975, is between LILCO and the Connecticut Light and Power Company (CL&P) and the Hartford Electric Light Company (HELCO), provides for the exchange of up to 100,000 kW of capacity and associated energy.

The second agreement dated June 9, 1975, is between LILCO, CL&P, HELCO and Western Massachusetts Electric Company (WMECO), provides for an exchange of up to 100,000 kW of capacity from the Northeast Utilities Companies' Northfield Mountain Pumped Storage Project and LILCO gas turbine capacity.

LILCO requests that the Commission waive its 30-day notice requirements and permit the exchange agreements to become effective as of the dates they were entered.

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 §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1188 Filed 1-14-76;8:45 am]

[Docket No. RP73-43, (PGA 76-1)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

JANUARY 6, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on December 22, 1975, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Eighteenth Revised Sheet No. 3a and alternate Eighteenth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1, to be effective February 1, 1976, and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1194 Filed 1-14-76;8:45 am]

[Docket No. ER76-281]

MONTANA POWER CO.

Notice of Supplement to Previous Filing

JANUARY 5, 1976.

Take notice that on December 29, 1975, the Montana Power Company (Montana) tendered for filing with the Commission a Certificate of Concurrence executed by Southern California Edison Company (Edison). Montana states that this certificate is being filed as a supplement to its filing of November 24, 1975 in the instant docket which consisted of an agreement between Montana and Edison for the short-term sale of non-firm energy.

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 §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1186 Filed 1-14-76;8:45 am]

[Docket No. ER76-392]

NIAGARA MOHAWK POWER CORP.

Notice of Request for Waiver

JANUARY 6, 1976.

Take notice that on December 29, 1975, Niagara Mohawk Power Corporation (Niagara Mohawk) filed a request for waiver of the January 1, 1976 deadline for filing a revised fuel adjustment clause in compliance with Order No. 517 in Docket No. R-479. Niagara Mohawk requests an extension of one year stating that the need for such a filing may be obviated if its four municipal wholesale customers obtain their power supply from the Power Authority of the State of New York as anticipated.

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 §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1195 Filed 1-14-76;8:45 am]

[Docket No. ER76-359]

NORTHEAST UTILITIES SERVICE CORP.

Notice of Termination

JANUARY 5, 1976.

Take notice that on December 12, 1975 Northeast Utilities Service Corporation (NU) tendered for filing notice of termination, as of April 30, 1974, of Docket No. E-8422, amended by Docket No. E-8811, effective November 1, 1973. This termination involves the Connecticut Light and Power Company, The Hartford Electric Light Company, Western Mas-

sachusetts Electric Company and Public Service Company of New Hampshire.

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 §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1187 Filed 1-14-76;8:45 am]

[Docket No. ER76-388]

SIERRA PACIFIC POWER CO.

Notice of Filing of Amendment

JANUARY 7, 1976.

Take notice that on December 8, 1975 the Sierra Pacific Power Company (Sierra) tendered for filing Amendment No. 1 to Electric Service Agreement between Sierra Pacific Power Company and Truckee-Donner Public Utility District. Sierra states that according to the Amendment, Sierra and Truckee-Donner have agreed upon one additional delivery point of electric transmission service.

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 §§ 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1191 Filed 1-14-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANCAL TRI-STATE CORP.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by BanCal Tri-State Corporation, San Francisco, California ("Tri-State"), which has transferred all of the stockholdings in BanCal Mortgage Company ("Mortgage"), a direct subsidiary of The Bank of California, N.A. ("Bank") (which is, in turn, a subsidiary of Tri-State), to Western Pacific Financial Corporation ("West Pac"), for a determination that neither Tri-State nor Bank is or will be in fact capable of controlling Mortgage or West Pac, notwithstanding an increase in the line of credit that Bank has extended to West Pac following the transfer.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, That, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 5, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board will subsequently designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Goverors of the Federal Reserve System, January 8, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-1214 Filed 1-14-76;8:45 am]

CITIZENS BANCORPORATION

Acquisition of Bank

Citizens Bancorporation, Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 85 per cent or more of the voting shares of American National Bank of Green Bay, Green Bay, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1976.

Board of Governors of the Federal Reserve System, January 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-1215 Filed 1-14-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. D-53]

ATTORNEY GENERAL

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Attorney General of the United States to perform all functions in connection with the leasing of certain improved property in Fauquier County, Virginia.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to perform all functions in connection with leasing the improved property located at Midland and Sowego in Fauquier County, Virginia, for a term beginning October 21, 1975, and ending June 30, 1976.

b. The Attorney General of the United States may redelegate this authority to any officer or employee of the Department of Justice.

c. This authority shall be exercised in accordance with the limitations and requirements of the Act, and the policies, procedures, and controls prescribed by the General Services Administration.

JACK ECKERD,
Administrator of General Services.

JANUARY 5, 1976.

[FR Doc.76-1207 Filed 1-14-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-203-1]

CERTAIN CERAMIC TABLEWARE

Hearing

In connection with the public hearing to be held beginning at 10:00 a.m., e.s.t., January 20, 1976, in the Commission's Hearing Room with respect to investigation No. TA-203-1, Certain Ceramic Tableware, notice is hereby given that the United States International Trade Commission is interested in receiving evidence and testimony with respect to

all relevant considerations, including those set forth in section 202(c) of the Trade Act of 1974.

Notice of institution of the investigation and hearing was published in the FEDERAL REGISTER of December 2, 1975 (40 FR 55907).

By order of the Commission.

Issued: January 9, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-1178 Filed 1-14-76;8:45 am]

[Investigation No. 337-TA-19]

GLASS FIBER OPTIC DEVICES AND INSTRUMENTS EQUIPPED WITH FIBER OPTIC DEVICES

Hearing

In view of the December 5, 1975 joint motion by the Complainant and the Respondents in this proceeding to terminate the proceeding, the hearing which was noticed for Wednesday, January 14, 1975, in this proceeding is hereby continued until the tenth day after the Commission rules on the said joint motion.

The Secretary will serve a copy of this Order upon each attorney of record in this proceeding. This Order will be published in the FEDERAL REGISTER.

Issued: January 9, 1976.

[SEAL] MYRON R. RENICK, *Administrative Law Judge.*

[FR Doc.76-1179 Filed 1-14-76;8:45 am]

[TA-201-13]

ROUND STAINLESS STEEL WIRE

Investigation and Hearing

Investigation instituted. Following receipt of a petition on December 12, 1975, filed by the Stainless Steel Wire Industry Committee, the United States International Trade Commission on January 8, 1976, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether round wire of stainless steel, provided for in item 609.45 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on March 16, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, March 11, 1976.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, and at the New York City office of the United States International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: January 9, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-1177 Filed 1-14-76;8:45 am]

[337-TA-22]

RECLOSABLE PLASTIC BAGS

Notice of Investigation

A complaint was filed with the United States International Trade Commission on October 20, 1975, on behalf of Minigrip, Inc., Orangeburg, New York, alleging that the unauthorized importation and sale in the United States of reclosable plastic bags constitute unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of (1) their coverage by claims 1 and 2 in U.S. Letters Patent 3,198,228, and/or (2) their bearing a colored stripe registered as U.S. Trademark No. 946,120. Co-complainants KCL Corporation, Shelbyville, Indiana, and Millhiser, Inc., Richmond, Virginia, joined in the complaint by submissions filed with the Commission on November 24, 1975, and December 15, 1975, respectively. Complainants allege that the effect or tendency of the unfair methods of competition and unfair acts is to substantialy injure an industry, efficiently and economically operated, in the United States. Complainants have requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint above, the United States International Trade Commission on January 8, 1976, ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether there is any violation of this section in the unauthorized importation into the United States, or in the sale of reclosable plastic bags, which reclosable plastic bags are allegedly covered by claims 1 and 2 in U.S. Letters Patent 3,198,228, and/or which allegedly bear a colored stripe registered as U.S. Trademark No. 946,120, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That for the purpose of the investigation so instituted,

Imperial Gems, P.O. Box 432, Oroville, Calif. 95965.
Jadco Supply, 1138 North 600 East, Bountiful, Utah 84010.
Alberto Ades, 364 11th Street, San Francisco, Calif. 94103.
Trans-Orient Polyethylene Trading Co., 16012 Moorpark Street, Suite 302, Encino, Calif. 91436.
House of Onyx, Roe Boulevard, 1 North Main, Greenville, Ky. 42445.
Polishhook Corporation, 250 Park Avenue South, New York, NY 10003.
Zwest, Inc., 1725 Victory Boulevard, Glendale, Calif. 91201.
Design Packaging Company, 525 W. 76th Street, Chicago, Ill. 60620.
Central Bag, 2901 E. 12th Street, Los Angeles, Calif. 90023.
Seal Bag Company, Inc., 770 Linden Avenue, Rochester, NY.
Furst Bolt & Screw Corp., 3064 Maria Court, Los Angeles, Calif.
Gordon Jewelry Supplies, 1850 East Pacific Coast Hwy., Long Beach, Calif.
Cal Richards Import Company, 800 Penn Avenue, Pittsburgh, Pa. 15222.
Ewing International, 7206 Central SE., Albuquerque, NM 11570.
Pri Labs Industries, 1673 South Mt. Prospect Road, Des Plaines, Ill. 60018.
Ragan Poly Bag Mfg. Company, 633 Bergen Street, Brooklyn, NY 11238.
Southland Paper, 776 Towne Avenue, Los Angeles, Calif. 90021.
Hogn Ter Products Company, Ltd., No. 14, 1 Lane 41, Nanking, East Road Sec. 2, Taipei, Taiwan.
Ampoc Enterprise Corp., Ltd., P.O. Box 68077 Taipei, No. 125 Chieng Shan No. Road, Section 2, Taipei, Taiwan.
Shirley Chieh Enterprises Co., Ltd., 44, West 2 Lane P.O.-1 Road, San-Ming District, Kaohsiung, Taiwan.
Auditex International Trading Corp., 619 Cheng Teh Road, Taipei, Taiwan.
Taiwan Variety and Novelty Supplies, 2-1 Alley 11, Lane 174, Sec. 2, PA-Teh Road, Taipei, Taiwan.
Moralburg Trading Corporation, Fourth Floor, 154-8 Tai Yuan Road, Taipei, Taiwan.
Gideons Plastic Industrial Corp., Taipei Office, 13-8 Lane 105, Chung Shan, Rd N. Sec.-1, P.O. Box 3120, Taipei, Taiwan.
Olympia Industrial Corporation, Importers, Exporters & Manufacturers, 7, Lane 61, Sec. 2, Yemping North Road, Taipei, Taiwan.

which are alleged or believed to be importing or selling, or causing the importation or sale of, the subject products, are hereby named as respondents upon whom the complaint is to be served.

3. That for purposes of the investigation so instituted, Wilhelm A. Zeitler, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named as the Commission investigative attorney.

Responses submitted by the parties and submissions by interested persons which are pertinent to the investigation will be considered by the Commission if received not later than thirty (30) days after service of this notice and the complaint has been effected. A signed original and nineteen (19) true copies of each response or submission should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and service of such response or submission shall be made upon each of the parties to the investigation, including the Commission investigative attorney.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of a party to file a response within the time provided to each of the allegations which are the subject of this investigation as set forth in this notice,

taking into consideration the applicable detail of the allegations in the complaint, may be deemed to constitute a waiver of its right to appear and contest such allegations and shall authorize the Commission, without further notice to that party, to find the facts to be as alleged and to enter an order containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C., and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued January 12, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-1228 Filed 1-14-76;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Notice

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State bar association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . .".

The Legal Services Corporation hereby announces publicly the consideration of the grants or contracts listed in the Appendix.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW. Suite 700, Washington, D.C. 20005

Dated: January 13, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

APPENDIX

ALABAMA

Legal Aid Society of Birmingham, Birmingham, Alabama 35203.
Legal Aid Society of Madison County, Huntsville, Alabama 35805.

ALASKA

Alaska Legal Services Corporation, Anchorage, Alaska 99501.

ARIZONA

Pinal and Gila Counties Legal Aid Society, Coolidge, Arizona 85228.
Coconino County Legal Aid, Flagstaff, Arizona 86001.
Maricopa County Legal Aid Society, Phoenix, Arizona 85007.
Legal Aid Society of Pima County, Tucson, Arizona 85701.

ARKANSAS

Legal Aid Bureau of Pulaski County, Inc., Little Rock, Arkansas 72202.
Jackson County Legal Services Program, Newport, Arkansas 72112.

CALIFORNIA

Greater Bakersfield Legal Assistance, Inc., Bakersfield, California 93305.
Berkeley Neighborhood Legal Services, Berkeley, California 94710.
Southeast Legal Aid Center, Compton, California 90221.
Fresno County Legal Services, Inc., Fresno, California 93721.
The Legal Aid Foundation of Long Beach, Long Beach, California 90804.
Legal Aid Foundation of Los Angeles, Los Angeles, California 90057.
Western Center on Law and Poverty, Los Angeles, California 90017.
Merced Legal Services Association, Merced, California 95340.
Stanislaus County Legal Assistance, Inc., Modesto, California 95353.
Napa County Legal Assistance Agency, Napa, California 94558.
Legal Aid Society of Alameda County, Oakland, California 94612.
Legal Aid Association of Ventura County Oxnard, California 93030.
San Fernando Valley Neighborhood Legal Services, Pacoima, California 91331.
Legal Aid Society of Pasadena, Pasadena, California 91101.
Shasta County Legal Aid Society, Redding, California 96001.
Legal Aid Society of San Mateo County, Redwood City, California 94063.
Contra Costa Legal Services Foundation, Richmond, California 94801.
Community Legal Services, Riverside County, Riverside, California 92501.
Legal Aid Society of Sacramento County, Sacramento, California 95814.
Legal Aid Society of San Diego, Inc., San Diego, California 92101.
Youth Law Center, San Francisco, California 94105.
San Francisco Neighborhood Legal Assistance Foundation, San Francisco, California 94103.
California Rural Legal Assistance, San Francisco, California 94102.
Community Legal Services, San Jose, California 95103.
Legal Aid Society of Marin County, San Rafael, California 94901.
Legal Aid Society of Orange County, Santa Ana, California 92706.
Legal Aid Society of Monterey County, Seaside, California 93955.
Legal Aid Society of San Joaquin County, Stockton, California 95202
Tulare County Legal Services Association, Tulare, California 93274.
Legal Services Foundation of Mendocino & Lake Counties, Ukiah, California 95482.
Solano County Legal Assistance Agency, Vallejo, California 94950.
Legal Aid Society of Santa Cruz County, Inc., Watsonville, California 95076.

COLORADO

Pikes Peak Legal Services, Colorado Springs, Colorado 80903.
Colorado Rural Legal Services, Inc., Denver, Colorado 80218.
Legal Aid Society of Metropolitan Denver, Denver, Colorado 80203.
Pueblo County Legal Services, Inc., Pueblo, Colorado 81003.

CONNECTICUT

Neighborhood Legal Services, Inc., Hartford, Connecticut 06112.
Middlesex County Legal Assistance Association, Inc., Middletown, Connecticut 06457.
Legal Aid Bureau of New Britain, Inc., New Britain, Connecticut 06050.
New Haven Legal Assistance Association, Inc., New Haven, Connecticut 06510.
Legacy, Inc., Norwick, Connecticut 06360.
Fairfield County Legal Services, Inc., Stamford, Connecticut 06901.
Waterbury Legal Aid & Reference Service, Inc., Waterbury, Connecticut 06702.
Tolland-Windham Legal Assistance Program, Inc., Willimantic, Connecticut 06226.

DELAWARE

Community Legal Aid Society, Inc., Wilmington, Delaware 19801.

DISTRICT OF COLUMBIA

Neighborhood Legal Services Program, Washington, D.C. 20004.

FLORIDA

Volusia County Legal Services, Inc., Daytona Beach, Florida 32014.
Florida Rural Legal Services, Homestead, Florida 33030.
Duval County Legal Aid Association, Inc., Jacksonville, Florida 32202
Legal Services of Greater Miami, Inc., Miami, Florida 33128.
Law, Inc. of Hillsborough County, Tampa, Florida 33602.

GEORGIA

Atlanta Legal Aid Society, Inc., Atlanta, Georgia 30303.
Georgia Legal Services Program, Inc., Atlanta, Georgia 30303.

HAWAII

Legal Aid Society of Hawaii, Honolulu, Hawaii 96817.

IDAHO

Idaho Legal Aid Services, Inc., Boise, Idaho 83702.

ILLINOIS

Land of Lincoln Legal Assistance Foundation, Springfield, Illinois 62701.
Legal Assistance Foundation of Chicago, Chicago, Illinois 60604.
Cook County Legal Assistance Foundation, Inc., Chicago, Illinois 60603.
Greater Peoria Legal Aid Society, Peoria, Illinois 61602.
Legal Referral Bureau of Lake County, Inc., Waukegan, Illinois 60085.

INDIANA

Legal Aid of Fort Wayne, Inc., Fort Wayne, Indiana 46802.
Legal Aid Society of Gary, Gary, Indiana 46404.
Legal Services Organization of Indianapolis, Inc., Indianapolis, Indiana 46202.
Legal Aid Society of Saint Joseph County, Inc., South Bend, Indiana 46619.

IOWA

Legal Aid Society of Polk County, Iowa, Des Moines, Iowa 50309.
Dubuque Area Legal Services Agency, Dubuque, Iowa 52001.
Hawkeye Legal Service Society, Iowa City, Iowa 52240.
Black Hawk County Legal Aid Society, Waterloo, Iowa 50703.

KANSAS

Wyandotte County Legal Aid Society, Inc., Kansas City, Kansas 66101.
Legall Aid Society of Topeka, Inc., Topeka, Kansas 66603.
Legal Aid Society of Wichita, Inc., Wichita, Kansas 67202.

KENTUCKY

Northeast Kentucky Legal Services Program, Inc., Grayson, Kentucky 41143.
Legall Aid Society of Louisville, Louisville, Kentucky 40202.
Appalachian Research and Defense Fund, Prestonsburg, Kentucky 41653.

LOUISIANA

Legal Aid Society of Baton Rouge, Baton Rouge, Louisiana 70806.
Southwest Louisiana Legal Services Society, Inc., Lake Charles, Louisiana 70601.
New Orleans Legal Assistance Corporation, New Orleans, Louisiana 70130.
Caddo-Bossier Legal Aid Society, Shreveport, Louisiana 71101.
Delta Legal Services, Inc., Tallulah, Louisiana 71282.

MAINE

Pine Tree Legal Assistance, Inc., Portland, Maine 04111.

MARYLAND

Legal Aid Bureau, Baltimore, Maryland 21202.

MASSACHUSETTS

Boston Legal Assistance Project, Boston, Massachusetts 02108.
Cambridge & Sommerville Legal Services, Cambridge, Massachusetts 02139.
North Suffolk Legal Assistance Association, Inc., Chelsea, Massachusetts 02150.
Central Massachusetts Legal Services, Inc., Worcester, Massachusetts 01608.
Legal Services for Cape Cod & Islands, Inc., Hyannis, Massachusetts 02601.
Merrimack Valley Legal Services, Inc., Lowell, Massachusetts 01852.
Neighborhood Legal Services, Inc., Lynn, Massachusetts 01901.
Onboard Legal Services, Inc., New Bedford, Massachusetts 02744.
Western Massachusetts Legal Services, Inc., Springfield, Massachusetts 01109.

MICHIGAN

Washtenaw County Legal Aid Society, Inc., Ann Arbor, Michigan 48108.
Legal Aid Society of Calhoun County, Battle Creek, Michigan 49014.
Michigan Legal Services, Inc., Detroit, Michigan 48226.
Wayne County Neighborhood Legal Services, Detroit, Michigan 48201.
Legal Services of Eastern Michigan, Flint, Michigan 48503.
Legal Aid Society of Grand Rapids & Kent County, Grand Rapids, Michigan 49502.
The Greater Lansing Legal Aid Bureau, Inc., Lansing, Michigan 48933.
Macomb County Legal Aid Bureau, Mount Clements, Michigan 48043.
Muskegon-Oceana Legal Aid Bureau, Inc., Muskegon, Michigan 49440.
Oakland County Legal Aid Society, Pontiac, Michigan 48058.
Berrien County Legal Services Bureau, Inc., St. Joseph, Michigan 49085.
Upper Peninsula Legal Services, Inc., Sault Ste. Marie, Michigan 49783.

MICRONESIA

Micronesian Legal Services Corporation, Saipan, Mariana Islands 96950.

MINNESOTA

Legal Aid Society of Minneapolis, Minneapolis, Minnesota 55415.
Legal Assistance of Ramsey County, Inc., St. Paul, Minnesota 55102.

MISSISSIPPI

Coahoma Legal Aid, Inc., Clarksdale, Mississippi 38614.
Community Legal Services, Jackson, Mississippi 39205.
Mississippi Bar Legal Services, Inc., Jackson, Mississippi 39201.
North Mississippi Rural Legal Services, Oxford, Mississippi 38614.

MISSOURI

Legal Aid & Defender Society of Greater Kansas City, Kansas City, Missouri 64106.
Legal Aid Society of the City & County of St. Louis, St. Louis, Missouri 63110.

MONTANA

Montana Legal Services Association, Helena, Montana 59601.

NEBRASKA

Legal Aid Society of Lincoln, Inc., Lincoln, Nebraska 68508.
Legal Aid Society of Omaha/Council Bluffs, Inc., Omaha, Nebraska 68102.
Panhandle Legal Services, Inc., Scottsbluff, Nebraska.

NEVADA

Clark County Legal Services Program, Las Vegas, Nevada 89106
Washoe County Legal Aid Society, Reno, Nevada 89501,

NEW HAMPSHIRE

New Hampshire Legal Assistance, Manchester, New Hampshire 03101.

NEW JERSEY

Cape Atlantic Legal Services, Inc., Atlantic City, New Jersey 08401
Camden Regional Legal Services Inc., Camden, New Jersey 08102
Union County Legal Services Corporation, Elizabeth, New Jersey 07201
Bergen County Legal Services Association, Hackensack, New Jersey 07601
Hudson County Legal Services Corporation, Jersey City, New Jersey 07306
Middlesex County Legal Services Corporation, New Brunswick, New Jersey 08901
Newark Legal Services Project, Essex-Newark Legal Services Project, Inc., Newark, New Jersey 07107
Essex Legal Services Project, Inc., Orange, New Jersey 07050
Passaic County Legal Aid Society, Inc., Paterson, New Jersey 07505
Somerset-Sussex Legal Services, Somerset, New Jersey 08873
Ocean-Monmouth Legal Services, Toms River, New Jersey 08753
Mercer County Legal Aid Society, Trenton, New Jersey 08608

NEW MEXICO

Legal Aid Society of Albuquerque, Inc., Albuquerque, New Mexico 87101.
Sandoval County Legal Services, Inc., Bernalillo, New Mexico 87004.
Northern New Mexico Legal Services, Santa Fe, New Mexico 87501.

NEW YORK

Legal Aid Society of Albany, Inc., Albany, New York 12207.
Orleans Legal Aid Bureau, Inc., Albion, New York 14411.
Broome Legal Assistance Corporation, Binghampton, New York 13901.
Neighborhood Legal Services, Inc., Buffalo, New York 14204.
Chemung County Neighborhood Legal Services, Inc., Elmira, New York 14901.
Chautauqua County Legal Services, Inc., Dunkirk, New York 14048.
Monroe County Legal Assistance Corporation, Middletown, New York.
Legal Aid Society of Rockland County, Inc., New City, New York, 10956.
Community Action for Legal Services, Inc., New York, New York 10013.
Legal Services for the Elderly Poor, New York, New York 10023.
Niagara County Legal Aid Society, Inc., Niagara Falls, New York 14302.
Monroe County Legal Assistance Corporation, Rochester, New York 14614.
Greater Upstate Law Project, Rochester, New York 14614.
Onondaga Neighborhood Legal Services, Inc., Syracuse, New York 13202.
Legal Aid Society of Oneida County, Inc., Utica, New York 13501.
Westchester Legal Services, Inc., White Plains, New York 10601.
Nassau County Law Services Committee, Inc., Hempstead, New York 11550.

NORTH CAROLINA

Legal Aid Society of Mecklenburg County, Charlotte, North Carolina 28202.
Durham Legal Aid Society, Durham, North Carolina 27702.
Legal Aid of Forsyth County, Winston-Salem, North Carolina 27101.

NORTH DAKOTA

Society for Legal Aid, Fargo, North Dakota 58102.
North Dakota Legal Services, Inc., New Town, North Dakota 58763.

OHIO

Summit County Legal Aid Society, Akron, Ohio 44308.
Ohio Migrant Legal Action, Bowling Green, Ohio 43402.
Stark County Legal Aid Society, Canton, Ohio 44702.
The Legal Aid Society of Cincinnati, Cincinnati, Ohio 45202.
Legal Aid Society of Cleveland, Inc., Cleveland, Ohio 44114.
Legal Aid & Defender Society of Columbus, Columbus, Ohio 43215.
Ohio State Legal Services Association, Columbus, Ohio 43215.
Legal Aid Society, Dayton, Ohio 45402.
Legal Aid Society of Lorain County, Inc., Elyria, Ohio 44035.
Butler County Legal Assistance Association, Hamilton, Ohio 45011.
Allen County Legal Services Association, Lima, Ohio 45801.
Tuscarawas Valley Legal Services, New Philadelphia, Ohio 44663.
Scioto County Legal Aid Association, Portsmouth, Ohio 45662.
Advocates for Basic Legal Equality (ABLE), Toledo, Ohio 43604.
Toledo Legal Aid Society, Toledo, Ohio 43614.
Mahoning County Legal Assistance Association, Youngstown, Ohio 44503.

OKLAHOMA

Southwest Oklahoma Legal Aid Council, Inc., Altus, Oklahoma 73521.
Delaware & Adair Counties Legal Services Program, Jay, Oklahoma 74346.
The Legal Aid Society of Oklahoma County, Inc., Oklahoma City, Oklahoma 73102.
Tulsa County Legal Aid Society, Inc., Tulsa, Oklahoma 74127.

OREGON

Lane County Legal Aid Services, Inc., Eugene, Oregon 97401.
Legal Aid Service Multnomah Bar Association, Portland, Oregon 97204.
Marion-Polk Legal Aid Service, Inc., Salem, Oregon 97301.

PENNSYLVANIA

Delaware County Legal Assistance Association, Chester, Pennsylvania 19013.
Bucks County Legal Aid Society, 95 East State Street, Doylestown, Pennsylvania 18901.
Cambria County Office of Legal Aid, Inc., Johnstown, Pennsylvania 15901.
Central Pennsylvania Legal Services, Lancaster, Pennsylvania 17602.
Community Legal Services, Inc., Philadelphia, Pennsylvania 19107.
Neighborhood Legal Services Association, Pittsburgh, Pennsylvania 15219.

Lackawanna County Legal Aid & Defender Association, Scranton, Pennsylvania 18503.
Southwest Pennsylvania Legal Services, Washington, Pennsylvania 15301.
Luzerne County Legal Services Association, Inc., Wilkes Barre, Pennsylvania 18701.

PUERTO RICO

San Juan Legal Services, Inc., San Juan, Puerto Rico 00902.
Puerto Rico Legal Services, Inc., Hato 'Rey, Puerto Rico 00928.

RHODE ISLAND

Rhode Island Legal Services, Inc., Providence, Rhode Island 02903.

SOUTH CAROLINA

Neighborhood Legal Assistance Program, Charleston, South Carolina 29403.
Legal Aid Service Agency, Columbia, South Carolina 29202.
Legal Services Agency of Greenville County, Inc., Greenville, South Carolina 29601.

SOUTH DAKOTA

Black Hills Legal Services, Inc., Rapid City, South Dakota 57701.
South Dakota Legal Services, Mission, South Dakota 57555.

TENNESSEE

Legal Aid Society of Chattanooga, Chattanooga, Tennessee 37402.
Legal Aid Clinic, University of Tennessee Law School, Knoxville, Tennessee 37902
Memphis & Shelby County Legal Services, Memphis, Tennessee 38103
Legal Services of Nashville, Inc., Nashville, Tennessee 37219.

TEXAS

Legal Aid & Defenders Society of Travis County, Austin, Texas 78702.
Legal Aid Society of Nueces County, Corpus Christi, Texas 78401.
Dallas Legal Services Foundation, Inc., Dallas, Texas 75202.
El Paso Legal Assistance Society, El Paso, Texas 79901.
Houston Legal Foundation, Houston, Texas 77002.
Laredo Legal Aid Society, Inc., Laredo, Texas 78040.
Texas Rural Legal Aid, Inc., Edinburg, Texas 78539.
Bexar County Legal Aid Association, San Antonio, Texas 78207.
Waco-McLennan County Legal Aid, Waco, Texas 76707.
Tarrant County Legal Aid Foundation, Ft. Worth, Texas 76102.

UTAH

Weber County Legal Aid Services, Inc., Ogden, Utah 84401.
Salt Lake County Bar Legal Services, Salt Lake City, Utah 84111.

VERMONT

Vermont Legal Aid, Inc., Burlington, Vermont 05401.

VIRGIN ISLANDS

Legal Services of the Virgin Islands, Christiansted, St. Croix, U.S. Virgin Islands 00820.

VIRGINIA

Charlottesville-Albemarle Legal Aid Society, Charlottesville, Virginia 22901.
Smyth-Bland Legal Air Society, Marion, Virginia 24354.
Neighborhood Legal Air Society, Richmond, Virginia 23241.
Legal Aid Society of Roanoke Valley, Roanoke, Virginia 24016.

WASHINGTON

Northwest Washington Legal Services, Everett, Washington 98201.
Seattle-King County Legal Aid Bureau, Seattle, Washington 98104.
Spokane County Legal Services, Spokane, Washington 99201.
Pierce County Legal Assistance Foundation, Tacoma, Washington 98402.

WEST VIRGINIA

Appalachian Research & Defense Fund, Charleston, West Virginia 25301.
West Virginia Legal Services Plan, Charleston, West Virginia 25305.
Legal Aid Society of Charleston, Charleston, West Virginia 25301.
North Central West Virginia Legal Aid Society, Morgantown, West Virginia 26505.
Mingo County Legal Services, Williamson, West Virginia 25661.

WISCONSIN

Wisconsin Judicare, Wausau, Wisconsin 54401.
Milwaukee Legal Services, Inc., Milwaukee, Wisconsin 53203.

WYOMING

Legal Aid Services, Inc., Casper, Wyoming 82601.
Legal Services for Laramie County, Inc., Cheyenne, Wyoming 82001.

[FR Doc.76-1296 Filed 1-14-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. § 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting on January 29, 1976, at 1750 K Street, NW., Washington, D.C., in the conference room on the 8th floor, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes will be as provided in Public Law 93-426, subsection (i)(2) "* * * to develop recommendations as to the establishment of a policy making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multistate, regional and state governmental jurisdictions."

The summarized agenda for the meeting is as follows:

1. Swearing-in and orientation of Members.

2. Consideration of objectives and procedures of Advisory Committee.

3. Consideration of Advisory Committee Work Plan.

In the event the Committee does not complete its consideration of the items on the agenda on January 29, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254—6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested persons may have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006.

Dated: January 12, 1976.

ARNOLD SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

[FR Doc.76-1233 Filed 1-14-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on February 3 and 4, 1976 from 9:30 a.m.-5:30 p.m. in room 1130 of the Columbia Plaza Office Building, 2401 E. Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endow-

ment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–1164 Filed 1–14–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–R 76–3]

RESPONSES TO SAFETY RECOMMENDATIONS

Receipt

The National Transportation Safety Board announces the receipt of one letter from the Federal Railroad Administration and one letter from the National Highway Traffic Safety Administration updating responses to 1974 Safety Board recommendations.

The Federal Railroad Administration letter of December 24, 1975 concerns recommendation R–74–27 which was contained in railroad accident report NTSB–RAR–74–3, entitled "Collision of Missouri Railroad Company Freight Train Extra 615 South With A Standing Locomotive; Cotulla, Texas on December 1, 1973." FRA provides additional data in support of its conclusion that to require by Federal law a switch target that would indicate both normal and reversed switch positions would have very little impact on safety.

The National Highway Traffic Safety Administration letter of December 29, 1975 concerns recommendation H–74—25 which was contained in highway accident report NTSB–HAR–74–3, entitled "Automobile Intrusion onto the Long Island Railroad Electrified Tracks and Fire; Garden City, New York on August 8, 1973." NHTSA suggests that NTSB and NHTSA work together informally to urge manufacturers at least to provide indicators showing the location of automobile seat back latches which can be immediately instructive to rear seat passengers.

A $4.00 user-service charge will be made for each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. Requests must be in writing, identified by report and/or recommendation number **and** date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)))

Dated: January 12, 1976.

LLOYD F. MILLER,
Deputy General Manager.

[FR Doc.76–1182 Filed 1–14–76;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 January 9, 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 AGRICULTURE

Statistical Reporting Service: Chili for Processing Survey—New Mexico, annually, Chili Processors, Lowry, R. L., 395–3772.
Economic Research Service: Rail Abandonment Impact Assessment, single-time, fertilizer firms, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Letter to Employer Requesting Earnings Information for SSI, SSA–L–4201, on occasion, all employers, Caywood, D. P., 395–3443.

DEPARTMENT OF JUSTICE

Departmental and other:
Court Administrators Questionnaire, LEAA 3600, single-time, trial court administrators, George Hall, 395–6140.
Court Agency Instrument, LEAA3600, single-time, courts, George Hall, 395–6140.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Application for Hospital Insurance Entitlement, SSA–18, on occasion, individuals filing for medicare, Caywood, D. P., 395–3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Report on occupancy (Low-rent Projects), HUD51235, semiannually, public housing agencies, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–1298 Filed 1–14–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 8, 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

VETERANS ADMINISTRATION

VA Beneficiary Travel Study Code Sheet, 10–20636, single-time, veterans, Caywood, D. P., 395–3443.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Shrimp-Vessel Owners' Questionnaire, single-time, vessel owners, Evinger, S. K., 395–3710.

DEPARTMENT OF STATE (EXCLUDING AID AND ACTION)

Fact Sheet for Performing Artists Touring Privately, DSP–90, on occasion, performing artists, Harry B. Sheftel, 395–5870.

DEPARTMENT OF COMMERCE

Bureau of Census:
State and Local Projects Coverage Study, single-time, State and local projects study, Collins, L., 395–5867.
Annual Report of New Mobile Home Placements, C–MH–3.A, annually, mobile homes, Collins, L., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:
Research on the Effects of Demonstration Compensatory Education Projects, NIE 145A–D, annually, professional personnel, George Hall, 395–6140.
Research on the Effects of Demonstration Compensatory Education Projects, NIE 146A–G, annually, professional personnel, George Hall, 395–6140.
Office of Human Development:
Area Planning and Social Services Programs Evaluation-Sampling Plan for the Service Providers, annually, area agencies on aging directors, Human Resources Division, Reese, B. F., 395–3532.

Office of Education:
Assessment of Vocational Education Programs for Disadvantaged Students Project Review Forms, OE-466-1 through 9, single-time, LEA employers, Human Resources Division, Raynsford, R., 395-3532.
Eval. of the Project Info. Packages Field Test: Project Dir., Dist. Admin. Staff, Non-pip Instructional & pip Instructional Staff Questionnaires, OE-392-6 through 9, single-time, staff in Lea's, Human Resources Division, Raynsford, R., 395-3532.
Health Resources Administration: Financial Status Review, HRABHM 1126, semiannually, health professions students, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Alaskan Native Survey Questionnaire—Housing Study, single-time, Alaska Native Heads of Household, Community and Veterans Affairs Division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation: St. Lawrence River Winter Recreation Survey, BDR-8-201, single-time, winter outdoor recreation participants on St. Lawrence River, Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Survey of Employment Following Training in Vocational Courses, A, B, C, other (see SF-83), veterans, Dick Eisinger, Lowry, R. L., 395-6140.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation: Number of Full-Time Law Enforcement Employees as of October 31, 12-78, 12-78, and 12-78B, annually, number of law enforcement employees, George Hall, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: Airman Written Test Application, AC8060-40, on occasion, airmen, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Prices Paid by Farmers for Building Materials, quarterly, building material dealers, Hulett, D. T., 395-4730.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Monthly Survey of Loan Commitments, FR 18A, monthly, commercial banks Hulett, D. T., 395-4730.

DEPARTMENT OF DEFENSE

Defense Supply Agency: Request for Assignment of Contractor Code, on occasion, contractors, Marsha Traynham, 395-4529.

NATIONAL SCIENCE FOUNDATION

Report to the President and Congress: Federal Support to universities, Colleges, and Selected Nonprofit Institutions, Fiscal Year 1975, NSF 818, annually, Ellett, C. A., 395-5867.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Fellowship Application Record Card, NEH-1A, on occasion, fellowship applicants, Lowry, R. L., 395-3772.
Fellowship Reference Letter (Re Summer Stipend, Post-doctoral & Senior Fellowship Applicants), NEH 1B, on occasion, applicants, Lowry, R. L., 395-3772.
Application for a Fellowship in Residence for College Teachers 1976-1977, NEH-1, on occasion, college teachers, Lowry, R. L. 395-3772.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Destination Data for Delivery of Donated Foods FNS-7, on accasion, State distributing agency, Human Resources Division, 395-3532.
Food Requisition—Donated Foods and State Distribution, FNS-52, on occasion, State distributing agency, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Age at Marriage and Time to First Birth: A Longitudinal Study of Parental Attitudes and Children's Personality, NIH-CH-2, single-time, families in Williamsburg, Va., George Hall, 395-6140.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Artist-in-Schools Program/Dance Component: 1976-77 School Year Guidelines for Dance Movement Specialists, annually, dance movement specialists, Marsha Traynham, 395-4529.

GENERAL SERVICES ADMINISTRATION

Sale of Government Property Forms, SF-114, on occasion, private persons or firms, Marsha Traynham, 395-4529.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Notice of Exportation of Articles With Benefit of Drawback (Vertical Form), CF 7511A, on occasion, exporters, Marsha Trynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-1299 Filed 1-14-76;8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. R76-1 and R76-3; Order No. 107]

POSTAL RATE AND FEE CHANGES

Order Reassigning Docket Number and Terminating Docket

JANUARY 8, 1976.

In the matter of postal rate and fee changes, 1975 (Docket No. R76-1) and request of the United States Postal Service for a recommended decision on changes in fees for special services (Docket No. R76-3).

On January 5, 1976, the Postal Service filed a Request for a recommended decision on changes in fees for special services. This Request was assigned Docket No. R76-3. The Postal Service states that this filing was made in accordance with the opinion of December 16, 1975 of the United States District Court for the District of Columbia in the case of *Associated Third Class Mail Users et al.* v. *United States Postal Service et al.* (Civil Action No. 75-1809, Sirica, J.), but without prejudice to the Postal Service's appeal from the decision in that case.

Upon examination of the January 5 filing, it appears that the proposed changes in fees for special services are identical to the changes which were appended for informational purposes as Attachment I to the Service's Request filed on September 18, 1975. In addition, the testimony of Stuart J. Winston, which was filed to support the January 5 Request, is substantially the same as the narrative discussion contained in Attachment I.

In submitting a separate Request for a recommended decision on special services, the Postal Service alleges that greater expedition could be accomplished if the special service Request were kept separate from Docket No. R76-1. However, the Postal Service fails to recognize that changes in fees for special services are already a part of this case. See Order No. 84 October 7, 1975. Although we appreciate the reasons the Service is filing this Request at this time, in our view this new Request does not change the issues that are already in the proceeding.[1] If, however, during the course of the proceedings in the next few months, it appears that this late-filed Request is burdening the proceeding, we will entertain an appropriate motion to sever all issues relating to fees for special services. Meanwhile the commonality of data and parties, and the interrelationship of issues are sound reasons for proceeding on a consolidated basis at this time.

The Commission orders: (A) The filing made by the Postal Service on January 5, 1976, and heretofore designated as Docket No. R76-3, is hereby redesignated as the Second Amendment to Docket No. R76-1 and shall be treated for all purposes before the Commission as a subsequently-filed part of the docket.

(B) Docket No. R76-3 is hereby terminated.

By the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

[FR Doc.76-1107 Filed 1-14-76;8:45 am]

[Docket No. R76-1]

POSTAL RATE AND FEE CHANGES, 1975

Special Services

JANUARY 8, 1976.

Notice is hereby given that on January 5, 1976, the United States Postal Service filed in Docket No. R76-3 a Request for a recommended decision on changes in fees for special services, pursuant to section 3622 of the Postal Reorganization Act (39 U.S.C. § 3622).

The proposed changes in fees for special services of the Request are identical with the changes in fees for special services which were appended for informational purposes as Attachment I to the Service's Request on changes in rates of postage and fees for special services filed with the Commission on September 18, 1975 (40 FR 44044 et seq., September 24, 1975). In Order No. 84 issued

[1] Moreover, Order No. 85 (October 9, 1975) consolidated the issues arising from the complaint concerning box rentals (Docket No. C76-1) into Docket No. R76-1.

October 7, 1975, the Commission clarified the scope of the proceedings in Docket No. R76-1 to make clear that fees for special services were included in the proceeding. Order No. 84 directed the parties' attention to the increase in such fees which the Service proposed by Notice dated September 19, 1975 (40 FR 43232).

In Order No. 107, issued today ,the Commission has ruled that this latest Request which was undertaken in accordance with the opinion of December 16, 1975 of the United States District Court for the District of Columbia in the case of *Associated Third Class Mail Users, et al. v. United States Postal Service, et al.* (Civil Action No. 75-1809, Sirica, J.), will be treated as a "second amendment" to the filing made on September 18, 1975, Docket No. R76-1.

By the Commission.

JAMES R. LINDSAY,
Secretary.

ATTACHMENT A.—*Present and proposed fee schedules—Registered mail*

Value	Fees (in addition to postage)			
	For articles not covered by commercial or other insurance		For articles also covered by commercial or other insurance	
	Current	Proposed	Current	Proposed
$0.00 to $100	$0.95	$1.90	$0.95	$1.90
$100.01 to $200	1.25	2.10	1.25	2.10
$200.01 to $400	1.55	2.40	1.55	2.40
$400.01 to $600	1.85	2.70	1.85	2.70
$600.01 to $800	2.15	3.00	2.15	3.00
$800.01 to $1,000	2.45	3.30	2.45	3.30
$1,000.01 to $2,000	2.75	3.60	(1)	(2)
$2,000.01 to $3,000	3.05	3.90	(1)	(2)
$3,000.01 to $4,000	3.35	4.20	(1)	(2)
$4,000.01 to $5,000	3.65	4.50	(1)	(2)
$5,000.01 to $6,000	3.95	4.80	(1)	(2)
$6,000.01 to $7,000	4.25	5.10	(1)	(2)
$7,000.01 to $8,000	4.55	5.40	(1)	(2)
$8,000.01 to $9,000	4.85	5.70	(1)	(2)
$9,000.01 to $10,000	5.15	60.0	(1)	(2)
$10,000 to $1,000,000	(3)	(4)		
$1,000,000 to $15,000,000	(5)	(6)	(7)	(8)
Over $15,000,000	(9)	(9)	(8)	(9)

[1] $2.45 plus handling charge of 0.20 cents per $1,000 or fraction over first $1,000.
[2] $3.30 plus handling charge of 0.25 cents per $1,000 or fraction over first $1,000.
[3] $5.15 plus handling charge of 0.20 cents per $1,000 or fraction over first $10,000.
[4] $6.00 plus handling charge of 0.25 cents per $1,000 or fraction over first $10,000.
[5] $203.15 plus handling charge of 0.15 cents per $1,000 or fraction over first $1,000,000.
[6] $253.50 plus handling charge of 0.20 cents per $1,000 or fraction over first $1,000,000.
[7] $202.25 plus handling charge of 0.15 cents per $1,000 or fraction over first $1,000,000.
[8] $253.05 plus handling charge of 0.20 cents per $1,000 or fraction over first $1,000,000.
[9] Additional charges may be made based on considerations of weight, space, and value.

Registered c.o.d. charge

	Current	Proposed
C.o.d. collection charge (maximum amount is $300)	$0.70	$0.85

Certified mail

Type	Fee	
	Current	Proposed
In addition to postage	$0.30	$0.50

Insured mail

Liability	Fees (in addition to postage)	
	Current	Proposed
$0.01 to $15	$0.20	$0.35
$15.01 to $50	.30	.55
$50.01 to $100	.40	.75
$100.01 to $150	.50	.95
$150.01 to $200	.60	1.15

C.o.d. mail

Amount to be collected or insurance coverage desired	Fees (in addition to postage)	
	Current	Proposed
$0.01 to $10	$0.70	$0.85
$10.01 to $25	.80	1.05
$25.01 to $50	.90	1.25
$50.01 to $100	1.00	1.45
$100.01 to $200	1.10	1.65
$200.01 to $300	1.25	1.85

Special delivery

Class of mail	Weight					
	Not more than 2 lb		More than 2 lb but not more than 10 lb		More than 10 lb	
	Current	Proposed	Current	Proposed	Current	Proposed
1st class and airmail, and priority mail	$0.60	$1.20	$0.75	$1.45	$0.90	$1.70
All other classes	.80	1.70	.90	1.80	1.05	2.10

Special handling

Class of mail	Weight					
	Not more than 2 lb		More than 2 lb but not more than 10 lb		More than 10 lb	
	Current	Proposed	Current	Proposed	Current	Proposed
3d class, 4th class, and international	$0.25	$0.50	$0.35	$0.70	$0.50	$1.00

Money orders

Amount	Fee (domestic)	
	Current	Proposed
$0.01 to $10	$0.25	$0.45
$10.01 to $50	.35	.60
$50.01 to $300	.40	.80
APO-FPO		
$0.01 to $300	.15	.15

Permit-imprint fee

	Current	Proposed
Fee	$15	$20

Return receipts

Type	Fees (in addition to postage)	
	Current	Proposed
Requested at time of mailing: Showing to whom (signature) and date delivered	$0.15	$0.25
Showing to whom (signature) and date and address where delivered	.35	.45
Requested after mailing: Showing to whom and date delivered	.25	.45
RESTRICTED DELIVERY		
Restricted delivery	.50	.60

Correction of mailing lists

	Current	Proposed
Minimum	[1] $1.00	[2] $1.00
Per name	.05	.10
DEAD-LETTER-RETURN FEE		
Fee	.10	.25

[1] 20 names or less.
[2] 10 names or less.

Certificates of mailing

Item	Fees (in addition to postage)	
	Current	Proposed
Individual pieces: Original certificate of mailing for individually listed pieces of all classes of ordinary mail	[1] $0.05	[1] $0.10
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and c.o.d. mail	[1] .02	[1] .10
Bulk pieces: Identical pieces of 1st- and 3d-class mail paid with ordinary stamps, precanceled or meter stamps are subject to the following fees:		
Up to 1,000 pieces (1 certificate for total number)	.25	.50
For each additional 1,000 pieces, or fraction	.05	.10
Duplicate copy	.05	.10

[1] Each.

Certificates of mailing—Continued

NOTICE OF NONDELIVERY OF C.O.D.

Notice of nondelivery of c.o.d.	.10	.25

ALTERATION OF C.O.D. CHARGES

Alteration of c.o.d. charges or designation of new addressee	.35	.50

[FR Doc.76-1106 Filed 1-14-76;8:45 am]

POSTAL SERVICE

PRIVACY OF INFORMATION

Routine Uses of Systems of Records

The purpose of this document is to propose additional routine uses of systems of records maintained by the Postal Service. These proposed routine uses would apply to all systems of records maintained by the Postal Service which are subject to the Privacy Act of 1974, Pub. L. No. 93-579, to the extent that they are relevant to the particular records maintained in those systems. These uses would permit the release of certain information to Members of Congress, and the disclosure of information in the course of legal proceedings to which the Postal Service is a party, as explained below:

1. To assure that Postal Service application of the Privacy Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request, the Postal Service proposes to establish as a routine use any disclosure made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. This would eliminate any need to obtain the written consent of the individual in any case where the congressional inquiry indicates that the request is being made on behalf of the individual whose record is to be disclosed.

2. To assure that information contained in Postal Service systems of records may continue to be used, where pertinent, in litigation brought by or against the Postal Service, the Postal Service proposes to treat as a routine use any pertinent disclosure made in a legal proceeding to which the Postal Service is a party before a court or administrative body.

As required by 5 U.S.C. 552(e)(11), interested persons are invited to submit written data, views, or arguments on these proposed routine uses. Written comments may be submitted on or before February 16, 1976, to the Records Officer, U.S. Postal Service, Washington, D.C. 20260. Final notice regarding these proposed routine uses will be given after the time for public comment has elapsed. The proposed uses follow:

POSTAL SERVICE SYSTEMS OF RECORDS—ROUTINE USES ALL SYSTEMS

Add the following text as the last two "USES" to the "ROUTINE USE" section of every system notice:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-1217 Filed 1-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5448]

ARKANSAS POWER & LIGHT CO.

Amendment to Terms of Authorization for Sale and Leaseback of Nuclear Fuel and Related Facilities

JANUARY 8, 1976.

Notice is hereby given that Arkansas Power & Light Company ("AP&L"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a post-effective amendment to its previously amended application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable thereto. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed amendment.

By order dated June 3, 1974 (HCAR No. 18442), the Commission authorized AP&L to enter into a sale and leaseback arrangement ("Lease") with Southwest Fuel Company ("Lessor"), a wholly-owned subsidiary of Broad Street Contract Services, Inc. ("BSC"), with respect to nuclear fuel and related facilities to be installed and used in AP&L's Unit No. 1 of a new nuclear generating plant near Russellville, Arkansas. The Commission also denied a request for hearing filed jointly on behalf of eight wholesale customers of AP&L.

Under the terms of the Lease, the amount of quarterly lease payments by AP&L are measured by, among other things, the costs incurred by the Lessor in connection with its acquisition of the nuclear fuel assembly. Lessor is financing the acquisition by issuing commercial paper under the terms of a credit agreement ("Credit Agreement") with Pacific National Bank ("Bank"). The commercial paper is supported by letters of credit issued by the Bank. One of Lessor's costs under the Credit Agreement is for fees paid to the Bank in consideration for the Bank's letters of credit. These fees, as authorized, were .6% per annum of the average principal amount of the Bank's obligations thereunder. As a result of increases in the fees charged by the Bank for similar commercial paper loans, the Fuel Company and the Bank have now amended the terms of the Credit Agreement to provide for the payment to the Bank of a quarterly fee of 1.10% per annum on the average principal amount of the obligations of the Bank under the Letters of Credit.

AP&L states that its costs under the Lease, as increased as a result of the amendment to the Credit Agreement between Lessor and the Bank, continue to be substantially less than if the nuclear fuel assembly were owned by AP&L or if its acquisition were financed by Lessor under the terms of any other available loan arrangement. In support thereof, it submits the following computation comparing the effective costs under the Lease, as authorized, with the effective costs reflected by the proposed amendment to the Credit Agreement:

	A.P. & L. computation in order (percent)	Revised A.P. & L. computation (percent)
Commercial paper rate	9.000	6.250
Dealers' discount	(1)	(1)
Bank fee	.600	1.100
BSC administrative fee	.125	.125
Amortization of initial costs	.098	.098
Depository and other recurring costs		
Total	9.823	7.573
Effective costs after all allowances for Federal and State taxes	4.80	3.70

[1] Included.

It is stated that no new fees or expenses have been incurred in connection with the proposed transaction. It is further stated that no Federal or State commission, other than this Commission, has jurisdiction over the proposed amendment to the Lease and Credit Agreement.

Notice is further given that any interested person may, not later than February 2, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this proceeding, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1170 Filed 1-14-76;8:45 am]

[70-5790]

ARKANSAS POWER & LIGHT CO.

Sale and Leaseback of Nuclear Fuel and Related Facilities

JANUARY 8, 1976.

Notice is hereby given that Arkansas Power & Light Company ("AP&L"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

As more fully described below, AP&L proposes to enter into arrangements with Razorback Nuclear Properties, Inc. ("Fuel Company"), whereby AP&L would sell its interest in certain partially fabricated nuclear fuel to the Fuel Company, which in turn would complete assembly and lease the nuclear fuel and incidental facilities ("Nuclear Fuel") to AP&L. The Nuclear Fuel will be used by AP&L to satisfy the fuel requirements for Unit No. 2 of Arkansas Nuclear Two ("Unit No. 2"), located near Russellville, Arkansas.

The Fuel Company, incorporated in the State of Delaware, is a wholly-owned subsidiary of Lehman Leasing, Inc. ("Lehman Leasing"), a New York corporation engaged with its other subsidiaries in a general leasing business. Lehman Leasing is owned by Lehman Brothers Incorporated, an investment banking firm.

AP&L currently has contracts for the supply of the Nuclear Fuel cores to be used in Unit No. 2. It is expected that fabrication of the initial core will be completed in 1977 and that the loading of the initial core in the reactor will commence in 1977. At such time as this Commission may authorize the transactions proposed herein, AP&L will sell to the Fuel Company, at cost, its interest in the supply of Nuclear Fuel as fabricated to such date and simultaneously will enter into a lease for such Nuclear Fuel ("Lease") with the Fuel Company. As of November 30, 1975, AP&L states its book cost for the Nuclear Fuel (including applicable allowance for funds used during construction) was $7,223,141.

Under the Lease, the Fuel Company will undertake financial responsibility for

the consummation of AP&L's contracts for the Nuclear Fuel, as well as providing for future supplies of Nuclear Fuel for Unit No. 2. The maximum commitment of the Fuel Company to make payments for Nuclear Fuel is $49,000,000 at any one time outstanding.

Under the Lease, AP&L will be responsible for operating, maintaining, repairing, replacing and insuring the Nuclear Fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. The initial term of the Lease will be through June 30, 1980. On June 30, 1977 and on each succeeding June 30 of a year ending with an odd number, the three year remainder of the term will automatically be extended for two years, unless either party gives prior written notice of termination, up to June 30, 2018.

Lease payments will be payable quarterly and will commence with the term of the Lease. These payments will include: (a) a "Quarterly Lease Charge," which will represent an administrative charge of ⅛ of 1% per annum of the "Stipulated Loss Value," as defined in the Lease, payable by the Fuel Company, and other allocated operational costs of the Fuel Company; (b) a "Burn-up Charge" equal to the cost of the Nuclear Fuel consumed while the Nuclear Fuel is in the reactor and producing heat. Prior to the commercial operation of Unit No. 2, or when the Nuclear Fuel is not in the reactor and producing heat, AP&L may elect to capitalize Quarterly Lease Charges or daily portions thereof so long as the amount of credit still available to the Fuel Company under a "Credit Agreement" (referred to below) exceeds the sum of the Stipulated Loss Value of the Nuclear Fuel, the amount of such Charges and $1,000,000. AP&L may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the Nuclear Fuel is in the reactor and producing heat in the production of electric energy.

It is provided that AP&L may terminate the Lease at any time. The Fuel Company may terminate the Lease under specified circumstances. Upon the occurrence of any event of termination ("Event of Termination"), as defined in the Lease, title to the Nuclear Fuel shall automatically be transferred to AP&L, which will thereafter be unconditionally obligated to purchase the Nuclear Fuel at a price fixed by application of a formula. Upon consummation of such purchase, all obligations of AP&L under the Lease will terminate.

It is further provided that the Fuel Company will receive alternative termination rights upon certain events of default ("Events of Default"). Upon the occurrence of an Event of Default the Fuel Company may: (a) treat the Event of Default as an Event of Termination; and/or (b) it may terminate the Lease. If the Fuel Company terminates the Lease in either such manner, Arkansas interest in the Nuclear Fuel will terminate and the Fuel Company may, among other things, elect to take possession of the Nuclear Fuel and sell it.

Under the terms of the Lease, the amount of the quarterly lease payments by AP&L will be measured by, among other things, the amount of costs incurred by the Fuel Company in connection with its acquisition of the Nuclear Fuel. The Fuel Company has advised AP&L that it will finance its obligations under the Lease by entering into a $50,000,000 credit agreement ("Credit Agreement") with various commercial banks ("Banks"), including Marine Midland Bank, which will act as agent for the Banks ("Agent"). AP&L is to approve of the Fuel Company's entry into the Credit Agreement.

Under the Credit Agreement, the Fuel Company would make revolving credit borrowings to be evidenced by the Fuel Company's promissory notes ("Revolving Credit Notes"). The initial obligations to make revolving credit loans shall terminate on December 31, 1977; such obligations will be automatically extended for two years on June 30, 1977 and on each succeeding June 30 in a year ending in an odd number, unless either party has given prior notice of termination. In no event shall such obligations extend beyond June 30, 2015. The Credit Agreement may be amended to allow for the issuance of commercial paper by the Fuel Company to be supported by irrevocable letters of credit of the Agent, for the account of the Banks.

The Fuel Company will pay the Agent a fee for its services under the Credit Agreement which (i) for the period from the date of the Credit Agreement until June 30, 1977, shall be in the aggregate amount of $50,000, payable in equal quarterly installments, and (ii) for each period of two years after June 30, 1977 during which the term for making revolving credit loans has been extended, shall be payable in eight quarterly installments, each in an amount equal to 1/80 of 1% of the revolving credit commitments ("Commitments"), as defined in the Credit Agreement. The Fuel Company will also pay the Banks a commitment fee per annum equal to .50 of 1% of the principal amount of the unused portion of the Commitments of the Banks.

Each Revolving Credit Note shall bear interest on the unpaid principal balance thereof at rates which are based upon the average of the total unpaid principal balance of all Revolving Credit Notes outstanding during each calendar quarter. Under this formula, the average unpaid balance, and the corresponding rate of interest, expressed as a percentage of the prime commercial loan rate of the Agent as in effect from time to time for short-term borrowings by large businesses will be:

Percentage of unpaid balance:	*Percentage of prime rate*
20 or less	103
20 to 40	115
40 to 60	120
60 to 80	123
80 to 90	124
90 to 100	125

It is provided, however, that if notice of termination shall have been given on or prior to June 30, 1977, all Revolving Credit Notes will bear interest at a rate per annum equal to 130% of the prime rate.

AP&L has been advised by the Fuel Company that the Agent will receive an assignment of the rents and certain other obligations under the Lease as security for, among other things, the Banks' loans under the Credit Agreement. AP&L proposes to agree in the Lease to acknowledge notice of the assignment by a separate instrument. The Fuel Company also has advised that the Agent will receive a security interest in the Nuclear Fuel and that Lehman Leasing will guarantee the payment of up to 15% of the obligations of the Fuel Company under the Credit Agreement.

AP&L proposes to charge the rent under the Lease to fuel expense and to account for the transaction as a lease rather than a purchase.

It is stated that the fees and expenses incident to the proposed transactions will aggregate $35,000, including legal fees of $30,000. AP&L states that no Federal or State Commission, other than this Commission, has jurisdiction over the proposed transactions, except that the Nuclear Regulatory Commission has jurisdiction over the ownership, possession, storage and handling of the Nuclear Fuel.

Notice is further given that any interested person may, not later than February 2, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service by (affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exempiton from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders in this proceeding, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1171 Filed 1-14-76;8:45 am]

[File No. 500-1]

CONRAC CORP.

Suspension of Trading

JANUARY 9, 1976.

The common stock of Conrac Corporation being traded on the New York Stock Exchange and Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Conrac Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 10, 1976 through January 19, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1166 Filed 1-14-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JANUARY 9, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Fnding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 12, 1976 through January 21, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1167 Filed 1-14-76;8:45 am]

[SR-OCC-75-4]

OPTIONS CLEARING CORP.

Order Approving Proposed Rule Changes Submitted by the Options Clearing Corporation

JANUARY 7, 1976.

BACKGROUND

On October 29, 1975, The Options Clearing Corporation ("OCC"), 6150 Sears Tower, Chicago, Illinois 60603, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), proposed changes in OCC Rules 601 and 602. The proposed rule changes relate to the method of computing the amount of margin to be maintained by OCC clearing members with respect to short option positions.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were pubilshed in the FEDERAL REGISTER (40 FR 53636, November 19, 1975). In addition, the rule changes were published in a Commission release (Securities Exchange Act Release No. 11819, November 12, 1975).

THE AMENDMENTS

The amendments to Rule 601 provide that margin on short positions to which exercise notices have been assigned will, generally, be computed by the same method as margin on open and unexercised short positions. (Margin for both categories will be based on the "daily options marking price" which, pursuant to amended Rule 601, will be re-defined as the current highest asked per-unit premium quotation for options of the same series on options exchanges at or about the close of trading on the preceding business day.) In addition to the foregoing, the submission proposed to amend Rule 601 to permit the value of exercised long options in certain accounts to be applied against the margin otherwise required in those accounts.

The submission proposed to amend Rule 602 in two ways. First, the applicability of Rule 602(a) for determining margin requirements would be limited to short positions in options of an expired series. Second, it would be optional, rather than mandatory, for OCC to require margin from an exercising clearing member for options exercised by it if the exercise price exceeded the market price of the underlying security.

COMMISSION ACTION

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes, filed as SR-OCC-75-4 with the Commission on October 29, 1975, be, and they hereby are, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1168 Filed 1-14-76;8:45 am]

[70-5764]

PENNSYLVANIA ELECTRIC CO.

Articles of Incorporation To Increase Amount of Authorized Preferred Stock, To Authorize Preferred Stock Without Par Value, and To Reclassify Presently Outstanding Preferred Stock; Order Authorizing Solicitation of Proxies in Connection Therewith

JANUARY 8, 1976.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Penelec proposes to amend its articles of incorporation ("articles") to (1) increase its authorized preferred stock, presently consisting of 1,435,000 shares, par value $100 per share, to 11,435,000 shares without par value and with a maximum aggregate stated value of $250,000,000, and (2) reeclassify each of its presently outstanding shares of preferred stock into shares without par value and with a stated value of $100.00 per share. It is stated that the proposed reclassification will not affect the dividend, liquidation, voting or other rights of the holders of outstanding shares of the preferred stock. The proposed amendment to the articles will provide that each share of the preferred stock will have such voting rights as is proportionate to the ratio of (i) the stated value of such share to (ii) the stated value of all shares of Penelec preferred stock then outstanding. It is further provided in the proposed amendment that the stated value of each share of the preferred stock will be equal to the capital furnished to Penelec for such share and will also be equal to such share's preferential claim in the event of Penelec's involuntary liquidation.

Under the articles, as proposed to be amended, Penelec will propose a stated value of a new series of its preferred stock at the time Penelec proposes to issue and sell such a series. The stated value set for each series will be subject to approval by this Commission. Penelec understands that the Commission has not indicated its approval in this proceeding to the future issuance of additional preferred stock of any particular stated value.

Penelec proposes to solicit proxies from its preferred and common stockholders to be used at a special meeting of preferred and common stockholders to be held on February 6, 1976, for the purpose of obtaining stockholder approval for the foregoing proposals through the use of proposed proxy soliciting material. The proposed amendments to the articles require the favorable vote, as a class, of the holders of a majority of the total number of outstanding shares of Penelec's preferred stock. The proposed amendments to the articles also requires the favorable vote of the holder of Penelec's common stock. GPU, the holder of all the outstanding Penelec common stock, has advised Penelec that it intends to vote the outstanding common stock in favor of the proposed amendments.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed reclassification of the Penelec preferred stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $37,500, including legal fees of $22,500.

Notice is further given that any interested person may, not later than February 4, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that Penelec's declaration, as amended, insofar as it relates to the proposed solicitation of proxies, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration, as amended, insofar as it relates to the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1169 Filed 1-14-76;8:45 am]

[Release No. 34-11987; File No. SR-Amex-75-15]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to establish a new class of membership, (to be known as options principal members) and to offer 200 of such memberships for sale for a limited time pursuant to a plan approved by its Board of Governors on December 11, 1975. In order to implement said plan, the Amex proposes to amend its Certificate of Incorporation, Constitution and Rules to establish such new class of membership and to specify the requirements, rights, obligations and privileges of options principal members. The texts of the proposed amendments to the Amex Certificate of Incorporation, Constitution and Rules are attached hereto as Exhibits A, B and C, respectively. Options principal members will be subject to all of the rules, regulations and policies of the Amex and if an options principal member is associated with a broker or dealer firm, such firm must be qualified as a member organization of the Amex. A concise statement of the terms of substance of the proposed amendments is set forth below under the heading "Statement of Basis and Purpose."

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed amendments to the Amex Certificate of Incorporation, Constitution and Rules is to establish and provide for appropriate regulation of a new class of members whose function will be the trading of options for their own account on the Floor of Amex. These new options principal members will be required to become registered traders in options, and to undertake the obligations and meet the capital requirements presently applicable to regular members acting as registered traders in options. The Amex believes that the addition of these options principal members will augment the market making capability of its specialist system and substantially improve the depth and liquidity of its options market, thus benefiting public investors.

The Certificate of Incorporation Amendments are mandated by Section 507(d) of the New York Not-for-Profit Corporation Law (under which Amex is incorporated) which requires that provisions governing members' distributive rights in the assets of a not-for-profit corporation upon dissolution or liquidation must be set forth in the Certificate of Incorporation of such corporation. These amendments also include provisions giving options principal members certain voting rights to protect their distributive interests in the assets of the Exchange upon dissolution.

Most of the Constitutional amendments and the Rules amendments are technical changes designed to extend provisions of the Constitution and Rules to options principal members and their member organizations. In most instances this has been accomplished by amending the definitions of certain defined terms to include options principal members but in a number of cases it has been found necessary to refer to such members specifically by amending provisions of the Constitution and Rules. Secondly, technical amendments have been made to effect appropriate cross-referencing changes. Thirdly, substantive changes setting forth the particular incidents of options principal memberships have also been made. In this connection, the following provisions of the Constitutional amendments are relevant: Article II, Section 1, which authorizes options principal members to serve as Governors of Amex; Article II, Sections 2 and 3, which makes options principal members eligible for appointment as Exchange Officials and as Vice-Chairman of the Board of Governors, and to serve on all committees; Article II, Section 4, which authorizes options principal members to serve on the Executive Committee; Article III, Section 3, which specifies that the voting rights of options principal members will be limited to those set forth in the Certificate of Incorporation; Article III, Sections 5 and 7, which enable options principal members to participate in the selection of nominees for election to the Board of Governors; Article IV, Section 1, which sets forth the qualifications and trading privileges of options principal members; Article IV, Section 4, which makes the proceeds from the sale of an options principal membership available for payment of claims of creditors of the member and his member organization; and Article VII, Sections 1, 2, and 3, which specifies the fees, dues and other charges payable by options principal members.

The proposed rule change (which includes the amendments to the Certificate of Incorporation, the Constitution and the Rules) is authorized by Sections 6(b)(2), 6(c)(3), and 6(c)(4) of the Act. It substantially increases the number of authorized memberships in the Amex and thus provides greater opportunity for any registered broker or dealer, or natural person associated with a registered broker or dealer, to become a member of Amex. This is particularly true since the Plan provides that these memberships will be made available for a relatively low initial capital outlay in relation to the current cost of a regular membership in the Amex (the proposed price of an options principal membership is approximately one-third the present value of a regular membership).

Options principal members will be subject to the same financial responsibility and operational capability standards and will be required to meet the same training, experience and competence requirements as prescribed by the rules of the Amex for other members performing comparable functions. The Plan is specifically aimed at attracting additional members to the Amex Floor to provide increased depth and liquidity in its options market, thereby en-

hancing competition and contributing to the perfection of a free and open market in options traded on exchanges.

Thus, the proposed rule change and the Plan for making options principal memberships available to qualified persons is consistent with the above-cited provisions of the Act.

A description of the Plan was circulated to members and member organizations of the Amex on November 13, 1975 for comment. Members were also invited to attend a membership meeting on November 25, 1975 to raise any questions which they might have with respect to the Plan.

Since the time of such circulation, the Amex has received a large number of inquiries from members, other segments of the securities industry and the public concerning the Plan and indicating broad interest with respect thereto. Of the letters received only five contained specific comments and suggestions regarding the Plan. These comments raised questions with respect to the possible loss of floor brokerage business by regular members, the possibility that the offering price was too low, the possibility that the number of new memberships being offered was excessive and whether the establishment of a separate class of members was in the interests of the Amex.

Questions raised at the meeting of members concerned basically the offering price and number of memberships being offered.

These comments were carefully considered by the Board of Governors of the Amex at its meeting on December 11, 1975, and it was determined that no substantial changes should be made to the basic provisions of the Plan.

The proposed amendments to the Certificate of Incorporation and Constitution will also require the affirmative vote of a majority of the regular members. Apart from such vote, and the comments already received, the Amex does not propose to solicit additional comments.

The Amex has determined that the proposed amendments to the Certificate of Incorporation, the Constitution and the Rules will not impose any burden on competition. On the contrary, they will tend to enhance competition.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 7, 1976.

[FR Doc.76-1172 Filed 1-14-76;8:45 am]

[Release No. 34-11988, File No. SR CSE-1975-No. 6]

CINCINNATI STOCK EXCHANGE

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 22, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

THE CINCINNATI STOCK EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendments are being submitted to comply with the provision of the Securities Exchange Act of 1934 as amended June 4, 1975, that now requires all national securities Exchanges to have at least one Director/Trustee who is a representative of issuers and investors and not associated with a member of the Exchange, broker, or dealer and to permit any class of Trustee to serve as an officer of the Exchange. (See Attached Exhibit.)

THE CINCINNATI STOCK EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule changes will add one additional Trustee to the Board of Trustees of this Exchange who represents issuers and investors and is not associated with a member of the Exchange, broker, or dealer. The amendments will also permit any class of Trustee to serve as an officer of the Exchange and requires any vacancy on the Board of Trustees be filled by a person of the same class as the Trustee whose place was vacated.

The proposed rule changes are being submitted pursuant to Section 6(b)(3) to provide one or more Trustees who shall be representative of issuers and investors, and not associated with a member of the Exchange, broker, or dealer.

No comments yet received.

Rules impose no burden on competition.

On or before February 22, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 7, 1976.

EXHIBIT A

AMENDMENTS TO SECTIONS 3 (PARAGRAPH 1), 4, AND 9, RULES

The government of the Exchange shall be vested in a Board of Trustees consisting of [seven members or associates of members, not more than two of whom may be limited members or associates of limited members.] *eight Trustees. The Trustees elected by the members shall consist of (1) one representative of the public who is not affiliated with brokers or dealers in securities and (2) seven members or associates of members, not more than two of whom may be limited members or associates of limited members.* They shall hold office for three years [, but in 1929 two shall be elected for three, two for two and one for one year, and as their terms expire, their successors shall be elected for a term of three years. In 1973, one additional candidate shall be elected for two years and one additional candidate shall be elected for three years.]

In 1976, one additional candidate shall be elected for three years. Any *Member* Trustee who ceases to be a member or associate of a member shall become disqualified to serve thereafter as *a Member* Trustee, and his office shall be deemed vacated. *Each non-member of the Exchange elected to the Board of Trustees shall by the acceptance of the position of Trustee be deemed to have agreed to uphold the Rules and Regulations of the Exchange.*

The Board of Trustees, at the first regular meeting after each annual election, *by the affirmative vote of a majority of the Trustees then in office,* shall elect from their number a Chairman of the Board [who shall be a regular member or an associate of a regular member.], a Vice President and a Treasurer [who shall be regular or limited members, or associates of regular or limited members].

They shall name a President and an Executive Secretary who need not be either trustees or members. They may also name a Secretary to assist the President and the Executive Secretary. [One person may hold two of the above named offices.] The Board of Trustees shall likewise, at such meeting, appoint a firm of certified public accountants to audit the books and the accounts of the Exchange and to make such examination of members' financial statements and records and for such other services as the Board deems advisable.

Officers elected by the Board shall hold office until the first meeting of the Board of Trustees following the next annual election of Trustees and until their successors are elected and qualified.

If a vacancy shall occur for any reason on the Board of Trustes or *in* any office of the Exchange, the vacancy shall [within 30 days] be filled by *the affirmative vote of a majority of* said Board of Trustees [until the next annual election.] *within 30 days.* Any [vacancies] *vacancy* on the Board of Trustees *of any class elected by the membership* shall be filled by a [member or an associate of a member] *person* of the same class as the [member or associate] *Trustee* whose place was vacated. *A Trustee so elected shall serve until the first meeting of the Board of Trustees following the next annual election of Trustees and until said Trustee's successor is elected and qualified.*

[FR Doc.76-1173 Filed 1-14-76;8:45 am]

EXHIBIT 1

[Release No. 34-11993; File No. SRBCOE-1975-8]

CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to Rule 2.22 of the Rules and Regulations of the Chicago Board Options Exchange Incorporated ("Exchange"), the Exchange has determined to revise certain of its existing charges and fees and introduce certain new charges and fees as more fully described below:

Description	Current rate (per month)	Proposed rate (per month)
Quotron rental fees	$205	$300
Membership application fees:		
Individual	300	750
Firm	500	1,000
Exercise of Chicago Board of Trade right to acquire membership	300	500
Renewal		300
Registered options principal application fee		50
Registered options principal registration transfer fee		25
Exchange floor orientation program fee		5

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The new and revised fees and charges will permit the Exchange to establish equitable charges for services performed by the Exchange.

The Exchange believes that it is consistent with Section 6(b)(4) for the Exchange to implement the new schedule of fees and charges set forth above. In each instance where a charge or fee is increased or where a new charge or fee is introduced, the Exchange has acted equitably to allocate the costs incurred in providing the particular service among those who benefit therefrom.

With regard to the Quotron rental payments, the Exchange has recognized in its increased rental payments the expansion of the service provided as well as the additional costs incurred in extending such service to subscribers on the Exchange floor. The increase in membership application fees results from (1) the costs involved in the initial investigation of the member applicants' business experience and financial responsibility; and (2) the cost of providing ongoing services to members i.e., broker/dealer registration and preparation of various periodic regulatory filings. Finally, the new charges regarding the Registered Options Principal application and registration process and the charge proposed for the Exchange floor orientation program have been established for the purpose of requiring those persons who utilize the services rendered to provide the necessary revenues to offset the costs thereof.

The Exchange believes that its proposed schedule of fees and charges will permit it to allocate, on a fair and equitable basis, the cost of certain services provided by the Exchange among those members who avail themselves of and benefit from the subject Exchange services. Comments were not and are not intended to be solicitated with respect to the proposed rule change. The Exchange believes that no burden on competition will be imposed through the implementation of the fee schedule proposed above.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 8, 1976.

[FR Doc.76-1175 Filed 1-14-76;8:45 am]

[Release No. 34-11989; File No. SR-PBWSE 75-11]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 29, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The PBW Stock Exchange, Inc., (PBW) proposes By-Law amendments to add public governors to its Board and to provide that a majority of all members of the Board, exclusive of the immediate past Chairman, shall be members of the Exchange. The text of the proposed amendments is attached as Exhibit A. Brackets indicate deletions; underscoring indicates new material.

STATEMENT OF BASIS AND PURPOSE

The purpose of the amendments is to provide for public governors, one to be added successively to each of the three classes of governors as they come up for re-election in 1976, 1977 and 1978. This step-by-step addition of public governors over a three-year period will provide experience and develop a beneficial level of input from the public sector.

It is proposed that a majority of all members of the Board shall be members of the Exchange to replace the present provision that no more than ten members of the Board shall be non-members of the Exchange. With the contemplated addition of public governors and a Board to be composed of twenty-nine to thirty-one members over the next three years, more places will be provided for qualified persons who are not members of the Exchange.

The amendments will effect compliance with Section 6(b)(3) of the Act to provide for one or more directors to be representative of issuers and investors and not be associated with a member of the Exchange or any broker or dealer. The provision that a majority of the total Board shall be members of the Exchange is consistent with Section 6(b)(3) of the Act which requires fair representation of members of an exchange in the selection of its directors.

No comments have been received or solicited. Members have been given notice of the amendments in accordance with amendment procedures under the By-Laws.

No burden on competition will be imposed by the proposed By-Laws.

On or before February 22, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 7, 1976.

EXHIBIT A—FILE NO. SR–PBWSE–75–11

BY-LAW SECTION 3–2

An annual meeting of the members shall be held in each calendar year, commencing with the year 1973, on the first Monday in March. At such annual meeting there shall be elected by ballot a Chairman of the Board of Governors and two Vice Chairmen of the Board of Governors for the term of one year each; eight *Broker* Governors *and one Public Governor* for the term of three years; and also Governors to fill vacancies in the Board of Governors which may have occurred during the preceding year. In any election of Governors, due regard shall be given to the provisions of Article IV, Section 4–1, of the By-Laws with respect to the composition of the Board of Governors of the Corporation.

BY-LAW SECTION 3–5, FIRST PARAGRAPH

On or before the third Wednesday in December of each year the Chairman of the Board, with the approval of the Board of Governors, shall appoint a Nominating Committee, whose duty it shall be to report in writing to the Secretary of the Corporation nominees for positions on the Board of Governors of the Corporation, *other than those of Chairman and Vice Chairman,* to be filled at the next ensuing annual election of the Corporation. The Chairman of the Board and the President shall not be ex officio members of the Nominating Committee.

BY-LAW SECTION 3–7, THIRD PARAGRAPH

The ballot containing the names of candidates nominated for membership on the Board of Governors shall indicate by appropriate designation whether the nominee is a member of the Corporation, or is a nonmember of the Corporation who is a general partner or officer of a member organization of the Corportion, *or is a representative of the public unaffiliated with the Corporation or any broker or dealer in securities;* and, in the event that there are more nominations of such general partners or officers of member organizations, *or of such representatives of the public* than there are vacancies on the Board of Governors which may be filled by such persons, the number of such persons who may be elected to membership on the Board of Governors shall also be indicated on the ballot.

BY-LAW 3–9, FIRST PARAGRAPH

In any election for members of the Board of Governors if (there are more nominees who are) *either the number of* general partners (of a member firm) or officers of (a) member (corporation and) *organizations* who are not themselves members of the Corporation, *or the number of representatives of the public unaffiliated with the Corporation or any broker or dealer in securities which are nominated* (than there are) *exceeds the* vacancies which may be filled by such (general partners or officers) *persons,* votes cast for such (general partners or officers) *persons* who fail of election because of lack of vacancies which may be filled by (such general partners or officers) *them* shall be ignored in determining the standing of the other candidates for membership on the Board.

BY-LAW 3–9, THIRD PARAGRAPH

If more than eight *Broker* Governors *or more than one Public Governor* are to be elected, the largest vote shall elect for the longest term.

BY-LAW SECTION 4–1

The management of the business and affairs of the Corporation shall be vested in a Board of Directors which shall be designated as the "Board of Governors." The Board of Governors shall be composed of the Chairman of the Board of Governors; two Vice Chairmen of the Board of Governors; the President of the Corporation; twenty-four 24 (others elected to the office of Governor) *Broker Governors; one 1 Public Governor elected at each of the annual meetings of members to be held in the years 1976, 1977 and 1978 to compose an authorized total thereafter of three 3 Public Governors;* and the immediate past Chairman of the Board of Governors who, upon the expiration of the term to which he was elected, shall be an ex officio member of the Board of Governors with vote for a term of one year. *A majority of all* the members of the Board of Governors, exclusive of the immediate past Chairman of the Board (who are not themselves members of the Corporation shall not, at any time, exceed ten) *shall be members of the Corporation.* The twenty-four *broker* governors (elected as such) shall be members of the Corporation or general partners (of a member firm) or officers of a member (corporation) *organization. The three authorized public governors shall be representatives of the public unaffiliated with the Corporation or any broker or dealer in securities.*

BY-LAW SECTION 4–3

(Twenty-four others elected to the office of Governor) *The twenty-four Broker Governors* shall be divided into three classes of eight each. One *such* class shall be elected by the membership of the Corporation each year to serve for three years or until their successors are elected and qualify. *Each such class, beginning with the class whose term expires in 1979, shall also include one Public Governor.*

Of the twenty-four (others elected as) *Broker* Governors, two whose terms expire each year shall not be eligible for a further term for a period of one year after such expiration. If necessary and to the extent necessary, the two *Broker* Governors of a class who are ineligible are to be chosen by lot by the Nominating Committee. *No Public Governor who has served three consecutive years shall be eligible for election to a further term except after an interval of one year.*

[FR Doc.76–1174 Filed 1–14–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 950]

ASSIGNMENT OF HEARINGS

JANUARY 12, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

I & S M 28872, General Increase, January 1976, United Parcel Service, Inc., now being assigned February 24, 1976, at the offices of Interstate Commerce Commission, Washington, D.C.

I & S 9091, Prepayment of Freight Charges to Points in Mass. & R.I., now being assigned February 23, 1976, at Providence, R.I., in a hearing room to be later designated.

I & S M 28866, General Increase, December 1975, N.F.T.B., now being assigned March 8, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110144 Sub-14, Jack C. Robinson, d.b.a. Robinson Freight Lines, now assigned February 11 ,1976, at Cleveland, Tennessee, will be in Holiday Inn—Downtown, Highway 11 & 64.

MC 2366 Sub 4, William Corbitt, Inc., now assigned January 21, 1976, at Washington, D.C., is canceled and application dismissed.

MC 123407 Sub 240, Sawyer Transport, Inc., now being assigned March 2, 1976 (2 days), at Phoenix, Ariz.; in a hearing room to be later designated.

MC 95876 Sub 174, Anderson Trucking Service, Inc., now being assigned March 4, 1976 (2 days), at Phoenix, Ariz.; in a hearing room to be later designated.

MC–F–12275, W. J. Digby, Inc. and Robert R. Digby—Investigation of Control—Riteway Transport, Inc., Padre Freight Lines, and Cibola Freight Lines, MC–F–12503, W. J. Digby, Inc. and Donald R. Digby—Investigation of Control—Pacific Inland Transportation Company, MC 34227 Sub 9, Pacific Inland Transportation Company.

MC 34227 Sub 10, Pacific InLand Transportation Company and MC 34227 Sub 11 Pacific Transportation Company, now being assigned for continued hearing on March 8, 1976 (2 weeks), at Phoenix, Ariz.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1236 Filed 1–14–76;8:45 am]

[Notice No. 163]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 15, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 4, 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–76068. By order of January 12, 1976, the Motor Carrier Board approved the transfer to Crystal Ball Tours, Inc., Washington, D.C., of Certificate No. MC–112716 (Sub-No. 1) issued May 21, 1952, to National Motor Tours, Inc., Baltimore, Md., authorizing the transportation of passengers from and to specified points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, N.Y., and the District of Columbia. Maxwell A. Howell, 1511 K Street, N.W., Washington, D.C. 20005, Attorney for Applicants.

Installments at the rate of 7 percent interest per annum. Transferee giving effect balance sheet shows assets of $15,000 including cash of $4,000; loan due to officer of the company in amount of $14,000; and stock account of $1,000. The application indicates that the loan is unsecured and will be repaid when the financial condition of the company permits. It also states that all equipment will be leased under long term lease.

Transferor states that operations are being conducted under the rights. However, the only income statement furnished is for the year ending June 30, 1973. It shows revenue of $103,669 with a loss of $379 for that period.

Transferee states it is affiliated with United States Travel Agency, Inc., a licensed broker of passengers in MC 12469. The affiliation is through the husband of the sole stockholder of transferee. The license authorizes United States Travel Agency to operate as a broker, at Washington, D.C., of passengers and their baggage between points in the United States (except Alaska and Hawaii). As the operations involved in this proceeding originate at Baltimore and the affiliated broker is required to operate at Washington, D.C. it does not appear that there would be presented an opportunity for discriminatory practices between transferee and its affiliate.

I recommend that the application be approved.

No. MC–FC–76241. By order of January 12, 1976 the Motor Carrier Board approved the transfer to Mid-City Freight Lines, Inc., Sibley, Missouri, of the operating rights in certificate No. MC 59446 issued March 10, 1959, to David O. Garrison, doing business as Garrison Truck Line, Wellington, Missouri, authorizing the transportation of (1) livestock, hay, and straw, from Napoleon, Mo., to Kansas City, Kans., serving the intermediate point of Kansas City, Mo., restricted to delivery only; and intermediate and off-route points within 20 miles of Napoleon, restricted to pick-up only; (2) general commodities (with the usual exceptions) from Kansas City, Kans., to Napoleon, Mo., serving the intermediate point of Kansas City, Mo., restricted to pick up only; and intermediate and off-route points within 20 miles of Napoleon, restricted to delivery of feed, fencing, and building materials; (3) livestock, hay, straw, and grain, between Napoleon, Mo., and Lawrence, Kans., serving the intermediate and off-route points of Kansas City, Kans., and Kansas City, Mo., those within 20 miles of Napoleon, Mo., and those within five miles of Lawrence, Kans.; (4) petroleum products, in pails, drums, and barrels, from Kansas City, Kans., to Wellington, Mo., serving no intermediate points; and (4) seeds and grain, from Leavenworth, Kans., to Napoleon, Mo., serving intermediate and off-route points within 20 miles of Napoleon, restricted to delivery only.

No. MC–FC–76276. By order of January 12, 1976, the Motor Carrier Board approved the transfer to Barry, Inc., Olathe, Kansas, of the operating rights in certificates No. MC–24784 and No. MC 24784 (Sub-No. 1) issued January 11, 1973 and July 10, 1973, respectively, to D & L Express, Inc. authorizing the transportation of general commodities with the usual exceptions and certain specified commodities from, to or between specified points in Kansas and Missouri. Clyde N. Christey, 641 Harrison St., Topeka, Kansas 66603 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1237 Filed 1–14–76;8:45 am]

[Notice No. 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 9, 1976.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protect under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified state-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC.

ment under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1328 (Sub-No. 20), filed November 28, 1975. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Darrel K. Peckingpaugh, Century Bldg., 330 East Main Street, Muncie, Ind. 47305. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool products* (except commodities in bulk), from Alexandria, Ind., to points in Massachusetts and the District of Columbia, under contact with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Denver, Colo.

No. MC 2368 (Sub-No. 53), filed December 11, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil products* (except vegetable oil products which are chemicals) in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Fayetteville, N.C., to points in Illinois, Indiana, Maine, Michigan, Ohio, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 4405 (Sub-No. 527), filed December 8, 1975. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements in truckaway and driveaway service, from points in Oregon and Illinois, to points in the United States (except Alaska and Hawaii); and (2) *tractors* in secondary movements in driveaway service only when drawing trailers, semi-trailers, and trailer chassis in initial movements in driveaway service, from points in Oregon and Illinois, to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 29748 (Sub-No. 4) (Clarification), filed August 5, 1975, published in the FEDERAL REGISTER issue of October 9, 1975, republished as clarified this issue. Applicant: DIRECT TRANSPORT, INC., 2d and Stockton St., P.O. Box 4113, Richmond, Va. 23224. Applicant's representative: Eugene H. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, sheet iron products, fertilizer, doors, windows, door and window frames, boxes, box shooks, lumber, sash weights, steel bars, metal laths, expansion joint materials, and wire forms*, (1) between Richmond, Va., on the one hand, and, on the other, points in Virginia, North Carolina, and South Carolina; and (2) from Richmond, Va., to points in Virginia and North Carolina.

NOTE.—The purpose of this republication is to indicate the conversion of the contract carriage to common carriage which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 30837 (Sub-No. 473), filed December 3, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled work platforms*, each weighing 15,000 pounds or less, from the plant site and warehouse facilities of Mark Industries, Inc., at Long Beach, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 474), filed December 5, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in driveaway service, from Brownsville, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33641 (Sub-No. 125), filed November 28, 1975. Applicant: IML FREIGHT, INC., 2475 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and unfrozen potato products*, from Clearfield, Utah, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 42487 (Sub-No. 844), filed December 8, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Schuylkill Haven, Pa., as an off-route point in connection with carrier's otherwise authorized regular route operations, restricted to the transportation of traffic received from or delivered to connection carriers at Schuylkill Haven, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 42487 (Sub-No. 845), filed December 8, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION of Delaware, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Muncy, Pa., and Montgomery, Pa., as off-route points in connection with carrier's otherwise authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 49052 (Sub-No. 8), filed December 4, 1975. Applicant: MACON TRADING POST, INC., doing business as, TRADING POST, 103 Cherry Street, P.O. Box 4032, Macon, Ga. 31208. Applicants' representative: Thomas R. Kingsley, Suite 1030, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 61592 (Sub-No. 379), filed December 8, 1975. Applicant: JENKINS

TRUCK LINE, INC., R.R. No. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, and materials, and supplies* used in the application thereof, from Mt. Gilead, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 64932 (Sub-No. 553), filed December 5, 1975. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lube oil*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Nebraska, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 72243 (Sub-No. 53), filed December 4, 1975. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except in bulk), from the plantsite of National Pipe & Tube Company in Liberty County, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles (except in bulk), from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming, to the plantsite of National Pipe & Tube Company in Liberty County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 73165 (Sub-No. 373), filed December 5, 1975. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, pressure vessels, and chemical process equipment*, from points in Mobile County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile or Birmingham, Ala.

No. MC 82101 (Sub-No. 14) filed November 28, 1975. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, Mass. 02090. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and, in connection therewith equipment, materials and supplies used in the conduct of such business (except commodities in bulk), between points in Essex, Middlesex, Suffolk Counties and Quincy, Mass., and points in Rockingham County, N.H., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, under a continuing contract or contracts with Cressey, Dockham & Co., Inc., Andover, Mass. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 83217 (Sub-No. 69), filed December 3, 1975. Applicant: DAKOTA EXPRESS, INC., 550 East 5th Street, South, South St. Paul Minn. 55075. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at Clark, S. Dak., and destined to states named above.

NOTE.— If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 97127 (Sub-No. 11), filed November 19, 1975. Applicant: BATESVILLE TRUCK LINE, INC., Lower Boswell Street, P.O. Box E, Batesville, Ark. 72501. Applicants representative: Samuel C. Highsmith, 262 Boswell Street, P.O. Box 2496, Batesville, Ark. 72501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, and Classes A and B explosives), between Memphis, Tenn., and points in its commercial zone and the plant site and warehouse facilities of Arkansas Eastman Company located at or near Magness, Ark.: From Memphis, Tenn., over Interstate Highway 55 to junction of U.S. Highway 63, and thence over U.S. Highway 63 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to junction Arkansas Highway 122, thence over Arkansas Highway 122 to junction Arkansas Highway 69, thence over Arkansas Highway 69 to County Access Roads to the plant site and warehouse facilities of Arkansas Eastman Company at or near Magness, Ark., and return over the same route, serving no intermediate points.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration in MC-97127, subs 3, 4, 5, and 7 to a Certificate of Public Convenience and Necessity upon a grant of the multi-State authority set forth above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 98701 (Sub-No. 5), filed November 17, 1975. Applicant: CLEVELAND EXPRESS, INC., 414 South Lee Highway, Cleveland, Tenn. 37311. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), (1) Between Sweetwater and Knoxville, Tenn., serving all intermediate points: From Sweetwater over U.S. Highway 11 (also Interstate Highway 75) to Knoxville, and return over the same route; (2) Between Cleveland and Etowah, Tenn., serving all intermediate points: From Cleveland over U.S. Highway 64 to its junction with U.S. Highway 411, thence over U.S. Highway 411 to Etowah, and return over the same route; (3) Between Calhoun and Wetmore, Tenn., serving all intermediate points: From Calhoun over Tennessee Highway 163 to Wetmore, and return over the same route; (4) Between Chattanooga, Tenn., and Dixie Lee Junction, Tenn., serving all intermediate points: From Chattanooga over Tennessee Highway 58 to its junction with U.S. Highway 70, thence over U.S. Highway 70 to Dixie Lee Junction, and return over the same route; (5) Between Kingston, Tenn., and the junction of Interstate Highways 40 and 75, at a point approximately 17 miles east of Kingston, serving all intermediate points: From Kingston over Interstate Highway 40 to its junction with Interstate Highway 75, at a point approximately 17 miles east of Kingston, and return over the same route;

(6) Between Loudon, Tenn., and the junction of Tennessee Highways 72 and 58, serving all intermediate points: From Loudon over Tennessee Highway 72 to its junction with Tennessee Highway 58, and return over the same route; (7) Between Sweetwater, Tenn., and the junction of Tennessee Highways 68 and 58, serving all intermediate points: From Sweetwater over Tennessee Highway 68 to its junction with Tennessee Highway 58, and return over the same route; (8)

Between Athens and Decatur, Tenn., serving all intermediate points: From Athens over Tennessee Highway 30 to Decatur, and return over the same route. (9) Between Riceville, Tenn., and junction of unnumbered County Highway and Tennessee Highway 58, serving all intermediate points: From Riceville over unnumbered County Highway to its junction with Tennessee Highway 58, and return over the same route; (10) Between Cleveland, Tenn., and the junction of Tennessee Highways 60 and 58, serving all intermediate points: From Cleveland over Tennessee Highway 60 to its junction with Tennessee Highway 58, and return over the same route; and (11) Between Calhoun and Big Spring, Tenn., serving all intermediate points: From Calhoun over unnumbered County Highway to Big Spring, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 99610 (Sub-No. 22), filed December 1, 1975. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Robert S. Richard, 57 Adams Avenue, Montgomery, Ala. 36102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Gadsden, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta, Ga., as off-route points: From Gadsden, Ala., over U.S. Highway 278 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama, and serving all points within 15 miles of Atlanta, Ga., as off-route points; (2) between intersection of U.S. Highway 78 and U.S. Highway 431, in Alabama, and Atlanta, Ga.: From the intersection of U.S. Highway 78 and U.S. Highway 431, in Alabama, over U.S. Highway 78 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama; (3) between intersection of Interstate Highway 20 and U.S. Highway 431, in Alabama, and Atlanta, Ga.: From the intersection of Interstate Highway 20 and U.S. Highway 431, in Alabama, over Interstate Highway 20 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama; and (4) between intersection of U.S. Highway 29, and Interstate Highway 85, in Alabama, and Atlanta, Ga.:

(A) From the intersection of U.S. Highway 29 and Interstate Highway 85, in Alabama, over Interstate Highway 85 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama, and (B) From the intersection of U.S. Highway 29 and Interstate Highway 85 in Alabama, over U.S. Highway 29 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama. In conjunction with 1 through 4 above, applicant proposes to serve all points in Alabama not on applicant's existing regular routes north of the southern boundaries of Russell, Bullock, Pike, Crenshaw, Butler, Wilcox, Clarke, and Choctaw Counties; also, Dothan, Andalusia, and Mobile County, Ala., and points in that part of Baldwin County, Ala., described as beginning at Stockton, Ala., thence south along Alabama Highway 59 to junction Baldwin County Highway 64; thence westerly along Baldwin County Highway 64 to junction Baldwin County Highway 27; thence southerly along Baldwin County Highway 27 to junction U.S. Highway 98, thence west and north along U.S. Highway 98 to junction Baldwin-Mobile County line to the closest point in Chastang, Ala.; thence over the imaginary line from Chastang to Stockton, Ala., on the one hand, and, on the other, points in Alabama north of the southern boundaries of Russell, Bullock, Pike, Crenshaw, Butler, Wilcox, and Clark, and Choctaw Counties, Ala., as off-route points. Applicant proposes to serve all points within 15 miles of Atlanta, Georgia, as off-route points in conjunction with 1 through 4.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 102616 (Sub-No. 914), filed December 1, 1975. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Chicago, Ill.

No. MC 106674 (Sub-No. 180), filed December 4, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as described by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon (Posey County), Ind., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Ohio, Missouri, Arkansas, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 106674 (Sub-No. 181), filed December 4, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from Danville, Ill., to points in Indiana; (2) *dry fertilizer*, from Vincennes, Ind., to points in Illinois; and (3) *batting, wadding, or padding*, from Corbin, Ky., to Joliet, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 793), filed December 3, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe or tubing, parts, and accessories*, from Plattsburgh, N.Y., to points in Ohio, Virginia, Rhode Island, District of Columbia, Connecticut, Michigan, Kentucky, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Massachusetts, and Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107478 (Sub-No. 21), filed November 25, 1975. Applicant: OLD DOMINION FREIGHT LINE, a corporation, 1791 Westchester Drive, P.O. Box 1189, High Point, N.C. 27261. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Halifax and Vance Counties, N.C., on the one hand, and, on the other, Baltimore, Md., and points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along Interstate Highway 83 (formerly U.S. Highway 111) to York, Pa., and on and south of a line extending from York along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 by way of New Hope, Pa., to the Pennsylvania-New Jersey State line.

NOTE.—Common control may be involved. If a hearing deemed necessary, the applicant requests it be held at Washington, D.C., Greensboro, and Charlotte, N.C.

No. MC 107515 (Sub-No. 998), filed December 1, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compounds, buffing or polishing compounds; textile softeners; grease or oil, lubricating; and deodorants and disinfectants*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and warehouse facilities of Economic Laboratories, lo-

cated at or near Joliet, Ill., to points in Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Atlanta, Ga.

No. MC 107678 (Sub-No. 59), filed December 1, 1975. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in the United States (excluding Alaska and Hawaii), on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, restricted to the transportation of such commodities to or from points in Alberta, Canada, having a prior or subsequent rail or water movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 107743 (Sub-No. 37), filed November 28, 1975. Applicant: SYSTEM TRANSPORT, INC., 11707 East Montgomery, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: Edward G. Rawle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, and materials, and supplies*, used in the construction and erection thereof, from the plantsite of Pan-Abode, Inc., at or near Renton, Wash., to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Ohio, Oklahoma, Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Spokane, Wash.

No. MC 107743 (Sub-No. 38), filed December 3, 1975. Applicant: SYSTEM TRANSPORT, INC., East 11707 Montgomery, P.O. Box 3456 TA, Spokane, Wash. 99220. Applicant's representative: Edward G. Rawle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, and materials, and supplies* (except in bulk) used in or in connection with the manufacture and distribution of sewing machine benches and home and office furniture, between points in the United States (except New York, Vermont, New Hampshire, Maine, Massachusetts, Maryland, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Caroline, Alabama, Georgia, Louisiana, Florida, Mississippi, Kansas, New Mexico, and Arizona), restricted to shipments originating at or destined to the plantsites and warehouse facilities of Sirco Manufacturing, Inc., at Missoula, Mont., and Stevens Point, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont., Spokane, Wash., or Billings, Mont.

No. MC 107913 (Sub-No. 16), filed November 24, 1975. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. 38103. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., and Helena, Ark.: From Memphis, Tenn., over U.S. Highway 79 to Marianna, Ark., thence over Arkansas Highway 1 to Barton, Ark., thence over U.S. Highway 49 to Helena, Ark., serving all intermediate points and the off-route point of Marvell, Ark., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., Helena, Ark., or Little Rock, Ark.

No. MC 108339 (Sub-No. 6), filed December 3, 1975. Applicant: MAUREEN Y. WELCH AND HENRY E. WELCH, doing business as YOUNG TRANSFER, P.O. Box 8226, Charlotte, N.C. 28208. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, paper and cardboard*, from Charlotte, N.C., to points in Anderson, Blount, Cortez, Cocke, Campbell, Claiborne, Greene, Grainger, Hawkins, Hamilton, Hancock, Johnson, Jefferson, Knox, Loudon, Monroe, Morgan, McMinn, Polk, Roane, Overton, Sevier, Scott Sullivan, Unicoi, Union, and Washington Counties, Tenn., under contract with Weyerhaeuser Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Richmond, Va.

No. MC 108341 (Sub-No. 41), filed December 1, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation or operation of those items named in (1) above (except in bulk), between points Monroe, Randolph, Perry, and St. Clair Counties, Ill., on and south of state Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 108341 (Sub-No. 42), filed December 1, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, and commodities which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, from the facilities of Aeroglide Corporation, located at or near Raleigh, N.C., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 109692 (Sub-No. 35), filed December 3, 1975. Applicant: GRAIN BELT TRANSPORTAION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum slag*, from Jones Mill, Magnolia, Arkadelphia, Russellville, and Newport, Ark., and Rockwall and Plano, Tex., to Kansas City, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 110563 (Sub-No. 163), filed December 5, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Avenue, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in California, Kansas, Nebraska, Oklahoma, Iowa, Missouri, Minnesota, Wisconsin, Oregon, Washington, Arkansas, Louisiana, Alabama, Mississippi, North Carolina, South Carolina, Georgia, Florida,

and Tennessee, restricted to traffic originating at the plantsite and storage facilities utilized by Masters Dressed Beef, located at or near Booker, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 111729 (Sub-No. 596), filed December 1, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 10040. Applicant's representative: J. M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory samples and specimens, medical laboratory supplies, and related business records and reports*, between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma; (2) *cut flowers, decorative greens, and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Maryland, New Jersey, Oklahoma, and Texas, restricted to the transportation of traffic having an immediately prior movement by air or motor vehicle; (3) *business papers, records, and audit and accounting media of all kinds*, (a) from Baton Rouge, Monroe, Lake Charles, Alexandria, Lafayette, and Shreveport, La., to New Orleans, La., restricted to the transportation of traffic having an immediately subsequent movement by air; and (b) from Blytheville and Little Rock, Ark., to Memphis, Tenn., restricted to the transportation of traffic having an immediately subsequent movement by air; (4) *proofs, cuts, copy, artwork, manuscripts, and related materials*, between Jonesboro, Ark., and Memphis, Tenn., restricted to the transportation of traffic having an immediately prior or subsequent movement by air; and (5) *drugs, toiletries, chemicals, medicine and compressed air*, restricted against the transportation of shipments weighing in excess of 150 pounds, in the aggregate, from one consignor to one consignee on any one day, between points in Arizona, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail, or motor vehicle, and further restricted to traffic moving to or from the facilities of Avon Products, Inc.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 521), filed December 3, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, 57101, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control approved in MC-F-11285. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 113254 (Sub-No. 4) (Correction), filed November 17, 1975, published in the FEDERAL REGISTER issue of December 11, 1975, republished as corrected this issue. Applicant: BREYER EXCHANGE, INC., Route 3, New Philadelphia, Ohio 44663. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt compounds, salt mixtures, salt products and pepper*, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia, under a continuing contract or contracts with Morton Salt Company, Division of Morton-Norwich Products; Watkins Salt Company and Cargill, Inc.

NOTE.—The purpose of this republication is to correct the applicant's name which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 113678 (Sub-No. 613), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Houston, Tex., to points in Arizona, California, Colorado, Idaho, Iowa, Missouri, Nebraska, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Washington, D.C., or Denver, Colo.

No. MC 113678 (Sub-No. 614), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber articles* (except commodities in bulk and those, which because of size or weight, require the use of special equipment), from Thorofare and Trenton, N.J., to Santa Fe Springs, Calif., restricted to the transportation of traffic originating at or destined to the facilities of Acme Hamilton Manufacturing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.; New York, N.Y.; or Washington, D.C.

No. MC 113678 (Sub-No. 615), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80222. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Laramie, Wyo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 113678 (Sub-No. 617), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80222. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in glass and metal containers and fiber packagings, from the plantsite and facilities of Evangeline Southern Brands, Inc., at or near St. Martinsville, La., to points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oregon, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Denver, Colo.

No. MC 113678 (Sub-No. 618), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shot* (except ammunition), from Bedford, Va., to points in Alabama, Arizona, California, Colorado, Louisiana, Montana, Nevada, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; Indianapolis, Ind.; or Denver, Colo.

No. MC 113678 (Sub-No. 619), filed December 4, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver) Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of North Side Packing Co., at or near Pittsburgh, Pa., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 114211 (Sub-No. 253), filed November 28, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and fireplace logs*, from Montrose, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114457 (Sub-No. 251), filed December 8, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), in containers, and *non-alcoholic beverages* in containers when moving in mixed loads with alcoholic beverages, from Perkio, Plainfield, and Peoria, Ill.; Lawrenceburg, Ind.; Bardstown, Clearmont, Frankfort, Lawrenceburg, Louisville, and Owensboro, Ky.; Lynchburg and Tullahoma, Tenn.; Cincinnati, Ohio; Allen Park, Detroit, and Melvindale, Mich.; St. Louis and Weston, Mo., to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114890 (Sub-No. 72), filed December 4, 1975. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulphate*, in bulk, in tank vehicles, from Bartlesville, Okla., to points in Indiana, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, New Mexico, Colorado, Wyoming, Nebraska, Kansas, Iowa, Missouri, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Washington, D.C.

No. MC 115322 (Sub-No. 113), filed November 28, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, and potato products*, in both straight and mixed shipments (except in bulk), (1) from ports of entry on the International Boundary line between the United States and Canada located at or near Houlton, Bridgewater, Ft. Fairfield, and Van Buren, Maine; and (2) from Washburn, Maine, to points in Florida, Georgia, Alabama, Mississippi, Tennessee, Louisiana, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine, or Washington, D.C.

No. MC 115496 (Sub-No. 40), filed November 28, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material and parts* used in the manufacture of motor homes, mobile homes, and travel trailers, from the facilities of Champion Home Builders Co., Plains Products Division at Plains, Ga., to Lillington, N.C., Richfield Springs, Canastota, Kanona, and Sangerfield, N.Y., Buffalo, Commerce, Wills Point, Honey Grove, and Van Alstyne, Tex., Lake City and Oneco, Fla., Claysburg, Pa., Mt. Jackson, Va., and Henry, Tenn., (2) *materials and parts* used in the manufacture of motor homes, mobile homes, and travel trailers, from points in Alabama, Florida, Indiana, Louisiana, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, to the facilities of Champion Home Builders Co., Plains Products Division, at Plains, Ga., and (3) *lumber*, from the facilities of Champion Home Builders Co., at Cullman, Ala., to Lake City, Fla., Sherman Miss., Oneco, Fla., Henry, Tenn., Woodbury and Ellaville, Ga., and Lillington, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Albany, Ga.

No. MC 115663 (Sub-No. 5), filed November 28, 1975. Applicant: HULL AND SMITH HORSE VANS, INC., R.F.D. No. 3, Ashland, Nebr. 68003. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Horses*, other than ordinary; and (2) *stable supplies and equipment* used in the care and exhibition of such horses, mascots, and the personal effects of attendants, trainers, and exhibitors, in the same vehicle with the commodities named in (1) above, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, and Texas, on the one hand, and, on the other, points in Arizona and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 115826 (Sub-No. 261), filed December 8, 1975. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088, TA, Denver, Colo. 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Laramie, Wyo., and points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Cheyenne, Wyo.

No. MC 115841 (Sub-No. 510), filed November 13, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feeds and feed ingredients* (except in bulk or tank vehicles), from Red Bay, Ala., and Tupelo, Miss., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* (except in bulk) used in the production, processing, manufacture, or sale of feeds and feed ingredients, from points in the United States (except Alaska and Hawaii), to Red Bay, Ala., and Tupelo, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 116400 (Sub-No. 6), filed November 26, 1975. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road NE., P.O. Box 13025, Roanoke, Va. 24030. Applicant's representative: Stanley I. Goldman, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials, and supplies; locomotive, rail car and equipment parts; tools; and intra-company records and correspondence*, (a) between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va.; Brewster, Ohio; Bellevue, Ohio; and Decatur, Ill.; (b) between the facilities of the Norfolk and Western Railway Company at or near Decatur, Ill., on the one hand, and, on the other, St. Louis and Hazelwood, Mo.; (c) between the facilities of the Norfolk and Western Railway Company at or near Decatur, Chicago, and Jacksonville, Ill.; St. Louis and Moberly, Mo.; and Peru and Ft. Wayne, Ind.; and (d) between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va., on the one hand, and, on the other, Bluefield, W. Va.; Louisville, Ky.; and Portsmouth, Ohio; and (2) *locomotive parts and accessories*, between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va., on the one hand, and, on the other, (a) the facilities of the General Motors Corp. at or near Bedford, Pa., (b) the facilities of the Chromium Corporation of America at or near Cleveland, Ohio, and (c) the facilities of the General Electric Co. at or near Erie, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.

No. MC 117851 (Sub-No. 21), filed December 8, 1975. Applicant: JOHN

CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, (1) from Valdosta, Ga., to points in Florida, Louisiana, North Carolina, Texas, Virginia, and West Virginia; and (2) from St. Marys, Ga., to points in Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, New York, Ohio, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin, under a continuing contract with Dowling Bag Company, Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 118535 (Sub-No. 70), filed November 10, 1975, published in the FEDERAL REGISTER issue of December 11, 1975, republished as corrected this issue. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Terrell, Tex., to Kansas City and St. Joseph, Mo.

NOTE.—The purpose of this republication is to indicate St. Joseph, Mo., as the destination point in lieu of St. Louis, Mo., which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119988 (Sub-No. 87), filed December 5, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, printed matter, labels, magazines and periodicals and materials, equipment and supplies* utilized in the manufacture and distribution thereof, between points in Craighead County, Ark. and Tate County, Miss., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123361 (Sub-No. 2), filed November 26, 1975. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Rd., East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in the St. Louis, Mo. Commercial Zone, on the one hand, and, on the other, points in Vigo, Sullivan, Knox, Gibson, Posey, and Vanderburgh Counties, Ind.; points in Peoria, Woodford, Tazewell, and McLean Counties, Ill.; and those points in Illinois on and south of U.S. Highway 136.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 123392 (Sub-No. 66), filed December 1, 1975. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen and liquid argon*, in bulk, in cryogenic tank trailers, between points in Illinois, Michigan, Minnesota, North Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 123407 (Sub-No. 277), filed December 5, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Newport, Ky., LaCrosse, Wis., Detroit, Mich., Minneapolis and St. Paul, Minn., and Chicago, Hennepin, and Joliet, Ill., to the plantsite of Steiger Tractor, Inc., located at or near Fargo, N. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., Chicago, Ill., or Washington, D.C.

No. MC 123408 (Sub-No. 23), filed Dec. 8, 1975. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. 07207. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies*, used in the conduct of such business, between Elizabeth and Edison, N.J., on the one hand, and, on the other, points in Florida, restricted to a contract with Wakefern Food Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124813 (Sub-No. 139), filed November 24, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil conditioner* (except in bulk), from Green Bay, Wis., to points in Illinois on and north of U.S. Highway 36; points in Michigan on the south of Michigan Highway 57 and on and west of U.S. Highway 27; points in Indiana on and west of U.S. Highway 27 and on and north of Indiana Highway 32; and points in Minnesota located east of Minnesota Highway 15, on and north of U.S. Highway 14, and south of Minnesota Highway 95.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 125551 (Sub-No. 11), filed December 1, 1975. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antimony ore and/or concentrate*, from points in Alaska to Duluth and Detroit, Mich., Chicago, Ill., Baltimore, Md., Cleveland, Ohio, and Perth Amboy, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 125780 (Sub-No. 3), filed December 3, 1975. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, Mont. 59847. Applicant's representative: Sam E. Haddon, First National Montana Bank Bldg., Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:, *Asphalt roofing*, from Minneapolis, St. Paul, and Shakopee, Minn., to Great Falls, Missoula, and Billings, Mont., under a continuing contract or contracts with T-Bird Home Centers, Inc., and Certain-Teed Products Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 126090 (Sub-No. 3), filed December 3, 1975. Applicant: TRIPLE L TRUCKING CO., INC., 110 North Market Street, East Palestine, Ohio 44413. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sale or distribution of consumable hot tops, hot topping compounds and steel mill supplies, from points in Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to East Palestine and Negley, Ohio, and

Wampum, Pa., under a continuing contract with Insul Company, Inc., Lakewood Chemical and Supply Co., Inc., and Ritetherm Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Cleveland, Ohio.

No. MC 126715 (Sub-No. 10), filed November 28, 1975. Applicant: TRANSPORT SERVICE, 8101 NE. 11th Avenue, Portland, Oreg. 97211. Applicant's representative: John G. McLaughlin, Suite 1440, 200 Market Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar, coal tar emulsions and coal tar cut backs*, in bulk, in tank vehicles, from San Bernardino, Los Angeles and Alameda Counties, Calif., Multnomah County, Oreg., King and Snohomish Counties, Wash., and Ada County, Idaho, to points in California, Oregon, Washington, and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 128114 (Sub-No. 5), filed December 4, 1975. Applicant: PAUL E. SAVAGE, doing business as SAVAGE TRANSPORTATION CO., Building 141, Pasco Airport, Pasco, Wash. 99302. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, vegetable oils, and feed and feed ingredients*, in bulk, between points in Washington, Oregon, Idaho, Montana, and California; (2) *animal fats, vegetable oils, and feed and feed ingredients*, in bulk, between the facilities of Jacob Stern & Sons, Inc., located at or near Seattle, Wash., on the one hand, and, on the other, points in Utah; and (3) *molasses*, in bulk, from points in Grant County, Wash., to points in Oregon, Idaho, and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pasco, Spokane, or Seattle, Wash., or Portland, Oreg.

No. MC 128273 (Sub-No. 212), filed November 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products* (except in bulk), from Kosse, Gonzales, Palestine, and Zavalla, Tex., and points in Big Horn and Natrona Counties, Wyo., to points in the United States (except Alaska and Hawaii); (2) *soapstone and soapstone products* (except in bulk), from Gonzales, Palestine, and Zavalla, Tex., to points in the United States (except Alaska and Hawaii); and (3) *ground barites* (except in bulk), from Gonzales, Houston, and Zavalla, Tex., and Morgan City, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 128375 (Sub-No. 139), filed November 28, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, devices, products, related items, parts thereof*, and *commodities* used by and dealt in by manufacturer thereof (except in bulk and commodities which, because of their size and weight require special equipment), between the facilities of General Electric Co., located at or near Salisbury, Hickory and East Flat Rock, N.C., on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, the eastern boundaries of Wisconsin and Louisiana and the Upper Peninsula of Michigan, under a continuing contract or contracts with General Electric Co. of Pittsfield, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 128375 (Sub-No. 140), filed December 8, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peppers and pimientos* (unfrozen), and *materials and supplies* used in the production, distribution, and sale of peppers and pimientos, (1) between the plant site of Moody Dunbar, Inc., located at or near Limestone, Tenn., on the one hand, and on the other, points in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (2) from points in Indiana, Ohio, Florida, Maryland, Virginia, and Pennsylvania, to the plant site of Moody Dunbar, Inc., located at or near Limestone, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Knoxville, Tenn.

No. MC 128841 (Sub-No. 11), filed December 3, 1975. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, Kansas, Missouri, Indiana, and Michigan, under a continuing contract or contracts with Northern Printing Ink Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 129427 (Sub-No. 6), filed December 4, 1975. Applicant: JOSEPH GEORGIANA, 26 Lafayette St., Somerset, N.J. 08873. Applicant's representative: George A. Olsen, 60 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods; china or earthenware*, from Somerset, Pa., to points in New Jersey, New York, Ohio, Connecticut, Rhode Island, Massachusetts, Maryland, Delaware, Virginia, West Virginia, Indiana, Illinois, Missouri, and the District of Columbia, under continuing contract or contracts with Lawndale Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133350 (Sub-No. 4), filed December 1, 1975. Applicant: AQUA GULF CORPORATION, 809 Hernedson Avenue, Staten Island, N.Y. 10310. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or in trailers (except self-propelled motor vehicles and commodities in bulk), between the facilities of the Puerto Rico Maritime Shipping Authority, at Port Elizabeth, N.J., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., restricted to the transportation of shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135231 (Sub-No. 12), filed December 5, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as it dealt in by mail order houses* (except commodities in bulk and foodstuffs), from St. Cloud, Minn., to New Orleans, La., restricted to transportation of shipments originating at the plantsite and storage facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices or United Parcel Service, Inc., for immediate and subsequent movement by U.S. Mail or United Parcel Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135924 (Sub-No. 3), filed November 24, 1975. Applicant: SIMONS TRUCKING CO., INC., Route 3, Box 379, Grand Rapids, Minn. 55744. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imitation slate* made of iron-ore tailings, from Grand Rapids, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 136220 (Sub-No. 26), filed December 3, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 NE. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcined petroleum coke* (in dump vehicles), from points in Calasieu Parish, La., to points in Benton and Humphreys Counties, Tenn.; (2) *carbon anode scraps* (in dump vehicles), from points in Benton and Humphreys Counties, Tenn., to points in Calcasieu Parish, La.; and (3) *aluminum dross residue* (in dump vehicles), from points in Calcasieu Parish, La., and Benton and Humphreys Counties, Tenn., to points in Saline County, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., Memphis, Tenn., or Oklahoma City, Okla.

No. MC 136408 (Sub-No. 33) (correction), filed November 26, 1975, published in the FEDERAL REGISTER issue of December 31, 1975, as MC 136408 (Sub-No. 32), republished as corrected this issue. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastics* (except in bulk, in tank vehicles), from Sanford, Maine, to Detroit, Mich., Chicago, Ill., Dallas, Tex., and Los Angeles, Calif., restricted to a transportation service to be performed under a continuing contract or contracts with American Cyanamid Co., at Wayne, N.J.

NOTE.—The purpose of this republication is to correct the Docket No. MC 136408 (Sub-No. 33), in lieu of MC 136408 (Sub-No. 32), which was published in error. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136605 (Sub-No. 9), filed December 1, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade St., P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Idaho, to points in Montana.

NOTE.—Applicant holds contract carrier authority in MC 127349 Sub. No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula, Billings, or Helena, Mont.

No. MC 136914 (Sub-No. 6), filed November 28, 1975. Applicant: WALLACE E. BROWN, Route 2, Box 130, Grand Junction, Tenn. 38039. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and preared foods;* and (2) *commodities* which are otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with dairy products and prepared foods, in shipper owned trailers, equipped with mechanical refrigeration, between the plant and facilities of Dean Foods Co., Inc., located at Memphis, Tenn., on the one hand, and, on the other, Conway, Little Rock, Mt. Ida, Russellville, Pine Bluff, Hot Springs, Benton, West Memphis, Osceola, Blytheville, and Forest City, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 138308 (Sub-No. 10) (Correction), filed October 28, 1975, published in the FEDERAL REGISTER issue of December 11, 1975, republished as corrected this issue. Applicant: K. L. M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066; Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile*, from Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah; (2) *tile*, between Morrisville, Pa., and Cleveland, Miss.; and (3) *materials and supplies* (except in bulk), used in the manufacture of tile, from points in North Carolina, to Cleveland, Miss.

NOTE.—The purpose of this republication is to correct the commodity description in part (2) and in part (3) the word "points" should be used in lieu of "point," which was previously published in error. Applicant holds contract carrier authority in MC 128592 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Memphis, Tenn.

No. MC 138910 (Sub-No. 2), filed Dec. 4,1975. Applicant: DAVID J. ANTHONY, doing business as GLOWATSKY'S PIGGYBACK SERVICE, 650 South Carldon Street, Allentown, Pa. 18103. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement, motor vehicles, commodities in bulk, and commodities that require special equipment), between Allentown, Pa., on the one hand, and, on the other, points in Chester, Luzerne, and Philadelphia Counties, Pa., and Mercer, Morris, and Somerset Counties, N.J., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Allentown or Philadelphia, Pa.

No. MC 138941 (Sub-No. 12), filed Dec. 8, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Wayne, Ontario, and Monroe Counties, N.Y., to points in Oregon and Washington, under contract with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139495 (Sub-No. 116), filed December 3, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hoses*, (1) from the facilities of Electric Hose and Rubber Company, located at or near Wilmington, Del., to points in Nebraska and California; and (2) from the facilities of Electric Hose and Rubber Company, located at or near McCook and Alliance, Nebr., to points in California, Washington, Ohio, Georgia, and Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140898 (Sub-No. 1), filed November 26, 1975. Applicant: KENDRICK TRUCKING CORP., 11610 Chasewood Court, Louisville, Ky. 40229. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repair and maintenance parts*, for mining, earth moving, quarrying equipment and vehicles used in mining, earth moving and quarrying, from Chicago, Ill., Buchanan, Benton Harbor, and Jackson, Mich., Cleveland and Hudson, Ohio, and Atlanta, Ga., to points in Jefferson and Perry County, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 140911 (Sub-No. 1), filed December 4, 1975. Applicant: DONNELL CASTLEMAN, GENERAL PARK FIELDS, AND JOHNNY WAYNE KINCAID, a partnership, doing business as TENNESSEE TRANSPORT COMPANY, P.O. Box 345–A, Murfreesboro Road, Antioch, Tenn. 37013. Applicant's representative: Don Castelman, P.O. Box 353, 110 Crestview Drive, Lavergne, Tenn. 37086. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Car wash equipment, and items incidental thereto, including soaps, waxes, brushes, and parts*, from Smyrna, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.; Atlanta, Ga.; or Washington, D.C.

No. MC 140950 (Sub-No. 2), filed November 28, 1975. Applicant: BROOKVILLE TRANSPORT, LIMITED, P.O. Box 2332, Station C, St. John, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, including ground and agricultural limestone, in bulk and in bags, from ports of entry on the International Boundary line between the United States and Canada, located at or near Fort Kent, Fort Fairfield, Mars Hill, Houlton, and Calais, Maine, to points in Maine, under a continuing contract or contracts with Brookville Manufacturing Company, Limited.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland or Bangor, Maine.

No. MC 141033 (Sub-No. 7), filed December 3, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, mouldings, valves and fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, vinyl building products, and accessories and hand tools* used in the installation of such products, from New Orleans and Slidell, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Washington, D.C.

No. MC 141086 (Sub-No. 2), filed December 1, 1975. Applicant: BLUE LINE TRANSPORTATION COMPANY, INC., 10240 Ralph Road, Cherry Valley, Calif. 92223. Applicant's representative: Thomas E. Rubbert, 606 South Olive St., Suite 2104, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, from Compton, Calif., to Twin Buttes, Ariz., under contract with Union Oil Company of California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 141138 (Sub-No. 3), filed November 6, 1975. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: John L. Schranz (same address as applicant). Authorit sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients*, in bulk, from Mexico, Mo., to National City, Ill., (2) *dry animal and poultry feed and feed ingredients*, in bulk-bag trailers, (a) from Flora, Ill., and Montgomery City, Mo., to points in Indiana, Kentucky, and Tennessee, on and west of Interstate Highway 65; and (b) between Flora, Ill., on the one hand, and, on the other, Montgomery City, Mo.; and (3) *animal and poultry feed and feed ingredients* in bulk-bag trailers, between East St. Louis, Ill., on the one hand, and, on the other, Indianapolis, Ind.; points in Missouri, Kentucky, and Tennessee, on and east of Interstate Highway 65; Iowa, on and south of U.S. Highway 20, and on and east of Interstate Highway 35; and, points in Nebraska, on and east of U.S. Highway 281.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 141177 (Sub-No. 2), filed November 24, 1975. Applicant: RICK'S DELIVERY SERVICE, INC., 6 West Alexandria Avenue, Alexandria, Va. 22301. Applicant's representative: Patrick McEligot, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes, and related supplies and accessories*, (1) between Dulles International Airport, Va., Baltimore-Washington International Airport, Md., and Washington National Airport, Va., and (2) between the above named airports, on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia, restricted in (1) and (2) above to shipments having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 141255 (Sub-No. 1), (Correction), filed November 19, 1975, published in the FEDERAL REGISTER issue of December 24, 1975, republished as corrected this issue. Applicant: TANDY TRANSPORTATION, INC., 3600–3602 Conway, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1 (a) *Commodities dealt in by electronic equipment and supply stores, uncrated store fixtures and furnishings, office supplies, and advertising materials*, from Fort Worth, Tex., to points in the United States (except Texas), restricted in the destination states to pick up or delivery of the described commodities at Radio Shack Stores and warehouses; *returned and rejected shipments of such commodities*, from points in the United States (except Texas), to Fort Worth, Tex.; (b) *television antennas*, from Burlington, Iowa, to Groveport, Ohio, Braintree and Avon, Mass.; (c) *electronic equipment, materials and supplies*, from Tarrant City, Ala.; Ansonia, Conn.; Aurora, Mundelein, Chicago, Lemont, Downers Grove, and Elk Grove, Ill.; Huntington, and Frankfort, Ind.; Burlington and Guttenburg, Iowa; Princeton, Ky.; Winona and St. Paul, Minn.; Kennebunk and Biddeford, Maine; Detroit, Mich.; Hagerstown and Baltimore, Md.; Shrewsbury, South Hadley, Holyoke, Worcester, Ludlow, and Boston, Mass.; Aberdeen, Miss.; St. Louis, Mo.; Camden, Amsterdam, Congers, Blauvelt, Farmingdale, L.I., Brooklyn, Huntington, L.I., Hauppauge and New York City, N.Y.; Somerville, Parsippany, and Burlington, N.J.; Statesville and Smithfield, N.C.; Newcomerstown and Toledo, Ohio; Central Falls, R.I., to Fort Worth, Tex., and Garden Grove, Calif., restricted against the transportation of traffic from Winona, Minn., to Garden Grove, Calif.;

(d) *Electronic equipment, materials and supplies*, from Long Beach, Calif.; Phoenix, Ariz., and Grand Junction, Colo., to Fort Worth, Tex.; (e) *toys* from Hawthorne, Calif., to Fort Worth, Tex.; 2(a) *tile*, including ceramic, clay, earthenware, terrazzo, mastic, composition, and vinyl asbestos, from Fort Worth and Houston, Tex., to points in Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Wisconsin; and *returned and rejected shipments*, from the named destination states to Fort Worth and Houston, Tex.; (b) *tile*, from Long Beach, Calif., to Phoenix, Tucson, and Mesa, Ariz.; Albuquerque, N. Mex.; and Fort Worth, Tex.; (3) *leather and leather products*, from Buford, Ga., to Fort Worth, Tex.; (4) *commodities dealt in by arts and crafts stores, office supplies and advertising materials for arts and crafts stores*, from Fort Worth, Tex., to points in the United States; *returned and rejected shipments* of such commodities, from points in the United States (except Texas) to Fort Worth, Tex. Restriction: The operations authorized herein in paragraphs 1, 2, 3, and 4 are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation, Tandycrafts, Inc., and Tandy Brands,

Inc., of Fort Worth, Tex., and their subsidiary corporations.

NOTE.—The purposes of this republication are to correct the restriction in part 1(a); indicate Iowa as a destination state and to correct the restriction at the conclusion of paragraphs 1, 2, 3, and 4. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 141280 (Sub-No. 1), filed December 2, 1975. Applicant: ALAMOGORDO MOVING & STORAGE, INC., 300 Hiway 70 West, Alamogordo, N. Mex. 88310. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Eddie, Dona Ana, Sierra, Socorro, Lincoln, Chaves, and Otero Counties, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Alamogordo, N. Mex.

No. MC 141287 (Sub-No. 2), filed December 8, 1975. Applicant: JEROME DULAS, doing business as DULAS EXCAVATING AND TRUCKING, P.O. Box 151, Wells, Minn. 56097. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone aggregate*, from The Quarries of Martin Marietta Corporation, at or near Fertile, Iowa, to Wells, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 141511, filed November 12, 1975. Applicant: ROBERT W. RETTIG, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, in mechanical refrigerated equipment; (2) *commodities* exempt from Interstate Commerce Commission regulation, in mechanical refrigerated equipment, when moving in mixed shipments with the commodities in (1) above; and (3) *materials, equipment, and supplies* used in the manufacture and sale of the foregoing commodities (except commodities in bulk), in mechanical refrigerated equipment, between West Bend and Slinger, Wis., on the one hand, and, on the other, points in Florida, Texas, Alabama, Georgia, Tennessee, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Louisiana, Mississippi, New Mexico, Arizona, and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 141518 (Sub-No. 1), filed November 24, 1975. Applicant: THE SENATE CARTAGE COMPANY, INC., 425 Barclay Court, Elmhurst, Ill. 60126. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing and polishing compounds, floor paint and varnish*, and, *liquid cleaning compounds*, in vehicles equipped to provide protective service to lading; and (2) *equipment, supplies, and materials* used in floor maintenance service and/or used in the application of commodities named in (1) above, in mixed shipments commodities in (1) above and when commodities in (2) do not exceed fifteen percent (15%) of the aggregate weight of the entire shipment, from the plant site and/or warehouse facilities of Masury-Columbia Company located at or near Chicago, Ill., to points in Arkansas, California, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin, restricted in (1) and (2) above against the transportation of commodities in bulk, under a continuing contract or contracts with Masury-Columbia Company.

NOTE.—If a hearing is deemed necessary, the applicant reqeusts it be held at Chicago, Ill.

No. MC 141521, filed November 17, 1975. Applicant: INTERMODAL TRANSPORTATION COMPANY, INC., P.O. Box 14072, Cincinnati, Ohio 45214. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, points in Michigan, restricted to the transportation of shipments having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141535 (Sub-No. 2), filed December 4, 1975. Applicant: LEONARD POHREN, 741 East 2d Street, Washington, Iowa 52353. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Cedar Rapids, Iowa, and Washington, Iowa, to points in Illinois and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 141574, filed December 4, 1975. Applicant: JAMES H. HENDERSON, doing business as HENDERSON GENERAL TRUCK REPAIR, 531 Air Base Boulevard, Montgomery, Ala. 36108. Applicants' representative: George H. Wakefield, Jr., 400 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor units*, new and used, between points in Alabama, Georgia, South Carolina, North Carolina, Louisiana, Texas, Tennessee, Mississippi, Kentucky, Virginia, West Virginia, Florida, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 141586 (Sub-No. 1), filed December 8, 1975. Applicant: PRICE TRUCK LINE, INC., 619 East Tenth, Wichita, Kans. 67214. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *School, art, and hobby supplies*, and commodities used in the manufacturing, packaging and transporting of school, art, and hobby supplies, between the plant sites of Binney & Smith, Inc., located at Easton, Pa.; Cincinnati, Ohio, and Winfield, Kans., under a continuing contract with Binney & Smith, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 72806 (Sub-No. 11), filed November 17, 1975. Applicant: RED-YELLOW CAB CO., a corporation, doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip operations, in special and charter service, beginning and ending at points in Allen, Erie, Hancock, Lucas, Ottawa, Putnam, Sandusky, Seneca, and Wood Counties, Ohio, and extending to points in the United States (except Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141567, filed November 26, 1975. Applicant: BOB'S INDUSTRIAL SERVICE, INC., 2903 Wellington Avenue, Parma, Ohio 44134. Applicant's representative: James R. Berendsen, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, employees of Penn Central Transportation Company and *their personal belongings*, between the Penn Central's right of way and yards at points in Ohio, Indiana, New York, Pennsylvania, and Michigan, under a continuing contract

or contracts with Penn Central Transportation Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Cleveland, Ohio.

No. MC 141573, filed December 1, 1975. Applicant: EXPEDITIONS AMERICAS, LTD., 6003 Richmond Avenue, Clarendon Hills, Ill. 60514. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and outdoor equipment*, in special and round trip operations, personally conducted all-expense camping tours, in vehicles limited to 14 passengers (not including driver and escort), beginning at New York, N.Y., Chicago, Ill., Denver, Colo., and Los Angeles, Calif., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 130348, filed October 29, 1975. Applicant: NGAI CHING TRAVEL SERVICES, INC., 7 Elizabeth Street, New York, N.Y. 10013. Applicant's representative: Yardley G. P. Chin and King Y. Chin (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *groups of passengers and their baggage*, in charter operations, in sightseeing and pleasure tours, by motor vehicle beginning and ending at New York, N.Y., and extending to points in Florida, New Jersey, Pennsylvania, Connecticut, Massachusetts, New York, and Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1138 Filed 1-14-76;8:45 am]

federal register

THURSDAY, JANUARY 15, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Primary Copper, Zinc and Lead Smelters

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 452-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Primary Copper, Zinc, and Lead Smelters

On October 16, 1974 (39 FR 37040), pursuant to section 111 of the Clean Air Act, as amended, the Administrator proposed standards of performance for new and modified sources within three categories of stationary sources: (1) primary copper smelters, (2) primary zinc smelters, and (3) primary lead smelters. The Administrator also proposed amendments to Appendix A, Reference Methods, of 40 CFR Part 60.

Interested persons representing industry, trade associations, environmental groups, and Federal and State governments participated in the rulemaking by sending comments to the Agency. Commentators submitted 14 letters containing eighty-five comments. Each of these comments has been carefully considered and where determined by the Administrator to be appropriate, changes have been made to the proposed regulations which are promulgated herein.

The comment letters received, a summary of the comments contained in these letters, and the Agency's responses to these comments are available for public inspection at the Freedom of Information Center, Room 202 West Tower, 401 M Street, S.W., Washington, D.C. Copies of the comment summary and the Agency's responses may be obtained by writing to the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460, and requesting the Public Comment Summary—Primary Copper, Zinc and Lead Smelters.

The bases for the proposed standards are presented in "Background Information for New Source Performance Standards: Primary Copper, Zinc and Lead Smelters, Volume 1, Proposed Standards" (EPA-450/2-74-002a) and "Economic Impact of New Source Performance Standards on the Primary Copper Industry: An Assessment" (EPA Contract No. 68-02-1349—Task 2). Copies of these documents are available on request from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

Summary of Regulations

The promulgated standards of performance for new and modified primary copper smelters limit emissions of particulate matter contained in the gases discharged into the atmosphere from dryers to 50 mg/dscm (0.022 gr/dscf). In addition, the opacity of these gases is limited to 20 percent.

Emissions of sulfur dioxide contained in the gases discharged into the atmosphere from roasters, smelting furnaces and copper converters are limited to 0.065 percent by volume (650 parts per million) averaged over a six-hour period. Reverberatory smelting furnaces at primary copper smelters which process an average smelter charge containing a high level of volatile impurities, however, are exempt from this standard during those periods when such a charge is processed. A high level of volatile impurities is defined to be more than 0.2 weight percent arsenic, 0.1 weight percent antimony, 4.5 weight percent lead or 5.5 weight percent zinc. In addition, where a sulfuric acid plant is used to comply with this standard, the opacity of the gases discharged into the atmosphere is limited to 20 percent.

The regulations also require any primary copper smelter that makes use of the exemption provided for reverberatory smelting furnaces processing a charge of high volatile impurity content to keep a monthly record of the weight percent of arsenic, antimony, lead and zinc contained in this charge. In addition, the regulations require continuous monitoring systems to monitor and record the opacity of emissions discharged into the atmosphere from any dryer subject to the standards and the concentration of sulfur dioxide in the gases discharged into the atmosphere from any roaster, smelting furnace, or copper converter subject to the standard. While these regulations pertain primarily to sulfur dioxide emissions, the Agency recognizes the potential problems posed by arsenic emissions and is conducting studies to assess these problems. Appropriate action will be taken at the conclusion of these studies.

The promulgated standards of performance for new and modified primary zinc smelters limit emissions of particulate matter contained in the gases discharged into the atmosphere from sintering machines to 50 mg/dscm (0.022 gr/dscf). The opacity of these gases is limited to 20 percent.

Emissions of sulfur dioxide contained in the gases discharged into the atmosphere from roasters and from any sintering machine which eliminates more than 10 percent of the sulfur initially contained in the zinc sulfide concentrates processed are limited to 0.065 percent by volume (650 parts per million) averaged over a two-hour period. In addition, where a sulfuric acid plant is used to comply with this standard, the opacity of the gases discharged into the atmosphere is limited to 20 percent.

The regulations also require continuous monitoring systems to monitor and record the opacity of emissions discharged into the atmosphere from any sintering machine subject to the standards, and the concentration of sulfur dioxide in the gases discharged into the atmosphere from any roasters or sintering machine subject to the standard limiting emissions of sulfur dioxide.

The promulgated standards of performance for new and modified primary lead smelters limit emissions of particulate matter contained in the gases discharged into the atmosphere from blast furnaces, dross reverberatory furnaces and sintering machine discharge ends to 50 mg/dscm (0.022 gr/dscf). The opacity of these gases is limited to 20 percent.

Emissions of sulfur dioxide contained in the gases discharged into the atmosphere from sintering machines, electric smelting furnaces and converters are limited to 0.065 percent by volume (650 parts per million) averaged over a two-hour period. Where a sulfuric acid plant is used to comply with this standard, the opacity of the gases discharged into the atmosphere is limited to 20 percent.

The regulations also require continuous monitoring systems to monitor and record the opacity of emissions discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end subject to the standards, and the concentration of sulfur dioxide in the gases discharged into the atmosphere from any sintering machine, electric furnace or converter subject to the standards.

Major Comments and Changes Made to the Proposed Standards

PRIMARY COPPER SMELTERS

Most of the comments submitted to the Agency concerned the proposed standards of performance for primary copper smelters. As noted in the preamble to the proposed standards, the domestic copper smelting industry expressed strong objections to these standards during their development. Most of the comments submitted by the industry following proposal of these standards reiterated these objections. In addition, a number of comments were submitted by State agencies, environmental organizations and private individuals, also expressing objections to various aspects of the proposed standards. Consequently, it is appropriate to review the basis of the proposed standards before discussing the comments received, the responses to these comments and the changes made to the standards for promulgation.

The proposed standards would have limited the concentration of sulfur dioxide contained in gases discharged into the atmosphere from all new and modified roasters; reverberatory, flash and electric smelting furnaces; and copper converters at primary copper smelters to 650 parts per million. Uncontrolled roasters, flash and electric smelting furnaces, and copper converters discharge gas streams containing more than 3½ percent sulfur dioxide. The cost of controlling these gas streams with sulfuric acid plants was considered reasonable. Reverberatory smelting furnaces, however, normally discharge gas streams containing less than 3½ percent sulfur dioxide, and the cost of controlling these gas streams through the use of various sulfur dioxide scrubbing systems currently available was considered unreasonable in most cases. It was the Administrator's conclusion, however, that flash and electric smelting considered together were applicable to essentially the full range of domestic primary copper smelting operations. Consequently, standards were proposed which applied equally to new

flash, electric and reverberatory smelting furnaces. The result was standards which favored construction of new flash and electric smelting furnaces over new reverberatory smelting furnaces.

Most of the increase in copper production over the next few years will probably result from expansion of existing copper smelters. Of the sixteen domestic primary copper smelters, only one employs flash smelting and only two employ electric smelting. The remaining thirteen employ reverberatory smelting, although one of these thirteen has initiated construction to convert to electric smelting and another has initiated construction to convert to a new smelting process referred to as Noranda smelting. (The Noranda smelting process discharges a gas stream of high sulfur dioxide concentration which is easily controlled at reasonable costs. By virtue of the definition of a smelting furnace, the promulgated standards also apply to Noranda furnaces.)

In view of the Administrator's judgment that the cost of controlling sulfur dioxide emissions from reverberatory furnaces was unreasonable, the Administrator concluded that an exemption from the standards was necessary for existing reverberatory smelting furnaces, to permit expansion of existing smelters at reasonable costs. Consequently, the proposed standards stated that any physical changes or changes in the method of operation of existing reverberatory smelting furnaces, which resulted in an increase in sulfur dioxide emissions from these furnaces, would not cause these furnaces to be considered "modified" affected facilities subject to the standards. This exemption, however, applied only where total emissions of sulfur dioxide from the primary copper smelter in question did not increase.

Prior to the proposal of these standards, the Administrator commissioned the Arthur D. Little Co., Inc., to undertake an independent assessment of both the technical basis for the standards and the potential impact of the standards on the domestic primary copper smelting industry. The results of this study have been considered together with the comments submitted during the public review and comment period in determining whether the proposed standards should be revised for promulgation.

Briefly, the Arthur D. Little study reached the following conclusions:

(1) The proposed standards should have no adverse impact on new primary copper smelters processing materials containing low levels of volatile impurities.

(2) The proposed standards could reduce the capability of new primary copper smelters located in the southwest U.S. to process materials of high impurity content. This impact was foreseen since the capability of flash smelting to process materials of high impurity levels was unknown. Although electric smelting was considered technically capable of processing these materials, the higher costs associated with electric smelting, due to the high cost of electrical power in the southwest, were considered sufficient to preclude its use in most cases.

This conclusion was subject, however, to qualification. It applied only to the southwest (Arizona, New Mexico and west Texas) and not to other areas of the United States (Montana, Nevada, Utah and Washington) where primary copper smelters currently operate; and it was not viewed as applicable to large new ore deposits of high impurity content which were capable of providing the entire charge to a new smelter. The study also concluded it was impossible to estimate the magnitude of this potential impact since it was not possible to predict impurity levels likely to be produced from new ore reserves.

Although considerable doubt existed as to the need for a new smelter in the southwest to process materials of high impurity levels in the future (essentially all the information and data examined indicated such a need is not likely to arise), the Arthur D. Little study concluded it would be prudent to assume new smelters in the southwest should have the flexibility to process these materials. To assume otherwise according to the study might place constraints on possible future plans of the American Smelting and Refining Company.

(3) The proposed standards should have little or no impact on the ability of existing primary copper smelters to expand copper production. This conclusion was also subject to qualification. It was noted that other means of expanding smelter capacity might exist than the approaches studied and that the proposed standards might or might not influence the viability of these other means of expanding capacity. It was also noted that the study assumed existing single absorption sulfuric acid plants could be converted to double absorption, but that individual smelters were not visited and this conversion might not be possible at some smelters.

Each of the comment letters received by EPA contained multiple comments. The most significant comments, the Agency's responses to these comments and the various changes made to the proposed regulations for promulgation in response to these comments are discussed below.

(1) *Legal authority under section 111.* Four commentators indicated that the Agency would exceed its statutory authority under section 111 of the Act by promulgating a standard of performance that could not be met by copper reverberatory smelting furnaces, which are extensively used at existing domestic smelters. The commentators believe that the "best system of emission reduction" cited in section 111 refers to control techniques that reduce emissions, and not to processes that emit more easily controlled effluent gas streams. The commentators contend, therefore, that a producer may choose the process that is most appropriate in his view, and new source performance standards must be based on the application of the best demonstrated techniques of emission reduction to that process.

The legislative history of the 1970 Amendments to the Act is cited by these commentators as supporting this interpretation of section 111. Specifically pointed out is the fact that the House-Senate Conference Committee, which reconciled competing House and Senate versions of the bill, deleted language from the Senate bill that would have granted the Agency explicit authority to regulate processes. This action, according to these commentators, clearly indicates a Congressional intent not to grant the Agency such authority.

The conference bill, however, merely replaced the phrase in the Senate bill "latest available control technology, processes, operating method or other alternatives" with "best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated." The use of the phrase "best system of emission reduction" appears to be inclusive of the terms in the Senate bill. The absence of discussion in the conference report on this issue further suggests that no substantive change was intended by the substitution of the phrase "best system of emission reduction" for the phrase "latest available control technology, processes, operating method or other alternatives" in the Senate bill.

For some classes of sources, the different processes used in the production activity significantly affect the emission levels of the source and/or the technology that can be applied to control the source. For this reason, the Agency believes that the "best system of emission reduction" includes the processes utilized and does not refer only to emission control hardware. It is clear that adherence to existing process utilization could serve to undermine the purpose of section 111 to require maximum feasible control of new sources. In general, therefore, the Agency believes that section 111 authorizes the promulgation of one standard applicable to all processes used by a class of sources, in order that the standard may reflect the maximum feasible control for that class. When the application of a standard to a given process would effectively ban the process, however, a separate standard must be prescribed for it unless some other process(es) is available to perform the function at reasonable cost.

In determining whether the use of different processes would necessitate the setting of different standards, the Agency first determines whether or not the processes are functionally interchangeable. Factors such as whether the least polluting process can be used in various locations or with various raw materials or under other conditions are considered. The second important consideration of the Agency involves the costs of achieving the reduction called for by a standard applicable to all processes used in a source category. Where a single standard would effectively preclude using a process which is much less expensive than the permitted process, the economic impact of the single standard must be determined to be reasonable or separate standards are set. This does not mean, however, that the cost of the alternatives to the potentially prohibited process can

be no grater than those which would be associated with controlling the process under a less stringent standard.

The Administrator has determined that the flash copper smelting process is available and will perform the function of the reverberatory copper smelting process at reasonable cost, except that flash smelting has not yet been commercially demonstrated for the processing of feed materials with a high level of volatile impurities. The standards promulgated herein, which do not apply to copper reverberatory smelting furnaces when the smelter charge contains a high level of volatile impurities, are therefore authorized under section 111 of the Act.

(2) *Control of reverberatory smelting furnaces.* Two commentators representing environmental groups and one commentator representing a State pollution control agency questioned the Administrator's judgment that the use of various sulfur dioxide scrubbing systems to control sulfur dioxide emissions from reverberatory smelting furnaces was unreasonable, especially in view of his conclusion that the use of these systems on large steam generators was reasonable. These commentators also pointed out that this conclusion was based only on an examination of the use of sulfur dioxide scrubbing systems and that alternative means of control, such as the use of oxygen enrichment of reverberatory furnace combustion air, or the mixing of the gases from the reverberatory furnace with the gases from roasters and copper converters to produce a mixed gas stream suitable for control, were not examined.

This comment was submitted in response to the exemption included in the proposed standards for existing reverberatory smelting furnaces. As discussed below, the amendments recently promulgated by the Agency to 40 CFR Part 60 clarifying the meaning of "modification" make this exemption unnecessary. The comment is still appropriate, however, since the promulgated standards now include an exemption for new reverberatory smelting furnaces at smelters processing materials containing high levels of volatile impurities.

Section 111 of the Clean Air Act dictates that standards of performance be based on "* * * the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated." Thus, not only must various systems of emission control be investigated to ensure these systems are technically proven and the levels to which emissions could be reduced through the use of these systems identified, the costs of these systems must be considered to ensure that standards of performance will not impose an unreasonable economic burden on each source category for which standards are developed.

The control of gas streams containing low concentrations of sulfur dioxide through the use of various scrubbing systems which are currently available is considered by the Administrator to be technically proven and well demonstrated. The use of these systems on large steam generators is considered reasonable since electric utilities are regulated monopolies and the costs incurred to control sulfur dioxide emissions can be passed forward to the consumer. Primary copper smelters, however, do not enjoy a monopolistic position and face direct competition from both foreign smelters and other domestic smelters. The costs associated with the use of these scrubbing systems on reverberatory smelting furnaces at primary copper smelters are so large, in the Administrator's judgment, that they could not be either absorbed by a copper smelter without resulting in a significant decrease in profitability, passed forward to the consumer without leading to a significant loss in sales, or passed back to the mining operations without resulting in a closing of some mines and a decrease in mining activity. Consequently, the Administrator considers the use of these systems to control reverberatory smelting furnaces unreasonable.

Although little discussion is included in the background document supporting the proposed standards concerning the use of oxygen enrichment of reverberatory furnace combustion air, or the mixing of the gases from reverberatory furnaces with the gases from roasters and copper converters, these approaches for controlling sulfur dioxide emissions from reverberatory smelting furnaces were examined. These investigations, however, were not of an in-depth nature and were not pursued to completion.

A preliminary analysis of oxygen enrichment of reverberatory furnace combustion air to produce a strong gas stream from the reverberatory furnace appeared to indicate that the costs associated with this approach were unreasonable. A similar analysis of the mixing of the gases from a reverberatory furnace with the gases discharged from a fluid-bed roaster and copper converters appeared to indicate that although the costs associated with this approach were reasonable, it was not possible to use fluid-bed roasters in all cases. Multi-hearth roasters would be required where materials of high volatile impurity levels were processed. Although multi-hearth roasters discharge strong gas streams (4–5 percent sulfur dioxide), fluid bed roasters discharge much stronger gas streams (10–12 percent sulfur dioxide). To determine the effect of this lower concentration of sulfur dioxide in the gases discharged by multi-hearth roasters on the ability to mix the gases discharged by reverberatory smelting furnaces with those discharged by roasters and copper converters to produce a mixed gas stream suitable for control at reasonable costs would have required further investigation and study.

Unfortunately, limited resources prevented all avenues of investigation from being pursued and in view of the promising indications from the preliminary investigations into flash and electric smelting, the Agency concentrated its efforts in this area. As discussed below, however, the use of these approaches to control sulfur dioxide emissions from reverberatory smelting furnaces are under investigation as a means by which the promulgated standards of performance could be extended to cover reverberatory smelting furnaces which process materials containing high levels of impurities.

(3) *Materials of high impurity levels.* One commentator expressed his belief that the proposed standards would prevent new primary copper smelters from processing materials containing high levels of impurities, such as arsenic, antimony, lead and zinc. This commentator does not feel flash smelting can be considered demonstrated for smelting materials containing these impurities. The commentator also feels the domestic smelting industry will not be able to employ electric smelting to process materials of this nature in the future, since electric power will not be available, or only available at a price which will prevent its use by the industry.

At the time of proposal of the standards for primary copper smelters, the Administrator was aware that considerable doubt existed concerning the capability of flash smelting to process materials of high impurity levels. No doubt existed, however, with regard to the capability of electric smelting to process these materials. Consequently, the standards were proposed on the basis that where flash smelting could not be employed to process these materials, electric smelting could.

As outlined above, the Arthur D. Little study concluded that at no flash smelter in the world has the average composition of the total charge processed on a routine basis exceeded 0.2 weight percent arsenic, 0.1 weight percent antimony, 4.5 weight percent lead and 5.5 weight percent zinc. Thus, the capability of flash smelting to process a charge containing higher levels of impurities than these has not been adequately demonstrated. At this time, therefore, only electric smelting preceded by multi-hearth roasting (in addition to reverberatory smelting preceded by multi-hearth roasting) can be considered adequately demonstrated (excluding costs) for processing these materials.

The Arthur D. Little study also examined the projected availability and pricing of various forms of energy through 1980 for those areas of the United States where primary copper smelters now operate. Although the energy consumed by electric smelting is approximately equal to that consumed by reverberatory smelting (taking into account the energy inefficiency associated with electric power generation), the study concluded that a cost penalty of 1 to 2 cents per pound of copper is associated with electric smelting in the southwest U.S. due to the high cost of electric power in this region. This cost penalty was considered sufficient in the Arthur D. Little study to make the use

of electric smelting at new primary copper smelters located in the southwest economically unattractive in most cases.

Since the basis for the proposed standards considered electric smelting as a viable alternative should flash smelting prove unable to process materials of high impurity levels, the Administrator has concluded the proposed standards should be revised for promulgation. Consequently, the standards promulgated herein exempt new reverberatory smelting furnaces at primary copper smelters which process a total charge containing more than 0.2 weight percent arsenic, 0.1 weight percent antimony, 4.5 weight percent lead or 5.5 weight percent zinc. This will permit new primary copper smelters to be constructed to process materials of high impurity levels without employing electric smelting. The promulgated standards of performance will, however, apply to new roasters and copper converters at these smelters, since the Administrator has concluded these facilities can be operated to produce gas streams containing greater than 3½ percent sulfur dioxide and that the costs associated with controlling these gas streams are reasonable.

Although the Administrator considers it prudent to promulgate the standards with this exemption for new reverberatory smelting furnaces, the Administrator believes this exemption may not be necessary. As pointed out in the comments submitted by various environmental organizations and private citizens, neither the use of oxygen enrichment of reverberatory furnace combustion air, nor the mixing of the gases from reverberatory furnaces with those from multihearth roasters and copper converters were investigated in depth by the Agency in developing the proposed standards. Either of these approaches could prove to be reasonable for controlling sulfur dioxide emissions from reverberatory smelting furnaces.

Under the promulgated standards with the exemptions provided for new reverberatory smelting furnaces, new primary copper smelters could remain among the largest point sources of sulfur dioxide emissions within the U.S. Consequently, the Agency's program to develop standards of performance to limit sulfur dioxide emissions from primary copper smelters will continue. This program will focus on the use of oxygen enrichment of reverberatory furnace combustion air and the mixing of the gases from reverberatory smelting furnaces with those from multi-hearth roasters and copper converters. If the Administrator concludes either or both of these approaches can be employed to control sulfur dioxide emissions from reverberatory smelting furnaces at reasonable costs, the Administrator will propose that this exemption be deleted.

(4) *Copper smelter modifications.* One of the major issues associated with the proposed regulations on modification, notification and reconstruction (39 FR 36946) involved the "bubble concept." The "bubble concept" refers to the trading off of emission increases from one existing facility undergoing a physical or operational change at a source with emission reductions from another existing facility at the same source. If there is no net increase in the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by the source as a whole, the facility which experienced an emissions increase is not considered modified. Although the "bubble concept" may be applied to existing facilities which undergo a physical or operational change, it may not be applied to cover construction of new facilities.

In commenting on the proposed standards of performance for primary copper smelters, two commentators suggested that the bubble concept be extended to include construction of new facilities at existing copper smelters. These commentators indicated that this could result in a substantial reduction in the costs, while at the same time leading to a substantial reduction in emissions from the smelter.

To support their claims, these commentators presented two hypothetical examples of expansions at a copper smelter that could occur through construction of new facilities. Where new facilities were controlled to meet standards of performance, emissions from the smelter as a whole increased. Where some new facilities were not controlled to meet standards of performance, emissions from the smelter as a whole decreased substantially.

These results, however, depend on special manipulation of emissions from the existing facilities at the smelter. In the case where new facilities are controlled to meet standards of performance, emissions from existing facilities are not reduced. Thus, with construction of new facilities, emissions from the smelter as a whole increase. In the case where some new facilities are not controlled to meet standards of performance, emissions from existing facilities are reduced through additional emission control or production cut-back. Since emissions from the existing facilities were assumed to be very large initially, a reduction in these emissions results in a net reduction in emissions from the smelter as a whole.

These hypothetical examples, however, appear to represent contrived situations. In many cases, compliance with State implementation plans to meet the National Ambient Air Quality Standards will require existing copper smelters to control emissions to such a degree that the situations portrayed in the examples presented by these commentators are not likely to arise. Furthermore, a smelter operator may petition the Administrator for reconsideration of the promulgated standards if he believes they would be infeasible when applied to his smelter.

Another commentator asked whether conversion of an existing reverberatory smelting furnace from firing natural gas to firing coal would constitute a modification. This commentator pointed out that although the conversion to firing coal would increase sulfur dioxide emissions from the smelter by 2 to 3 percent, the costs of controlling the furnace to meet the standards of performance would be prohibitive.

The primary objective of the promulgated standards is to control emissions of sulfur dioxide from the copper smelting process. The data and information supporting the standards consider essentially only those emissions arising from the basic smelting process, not those arising from fuel combustion. It is not the direct intent of these standards, therefore, to control emissions from fuel combustion per se. Consequently, since emissions from fuel combustion are negligible in comparison with those from the basic smelting process, and a conversion of reverberatory smelting furnaces to firing coal rather than natural gas will aid in efforts to conserve natural gas resources, the standards promulgated herein include a provision exempting fuel switching in reverberatory smelting furnaces from consideration as a modification.

(5) *Expansion of existing smelters.* Two commentators expressed their concern that the proposed standards would prevent the expansion of existing primary copper smelters, since the standards apply to modified facilities as well as new facilities. These commentators reasoned that the costs associated with controlling emissions from each roaster, smelting furnace or copper converter modified during expansion would in many cases make these expansions economically unattractive.

As noted above, the Agency has proposed amendments to the general provisions of 40 CFR Part 60 covering modified and reconstructed sources. Under these provisions, standards of performance apply only where an existing facility at a source is reconstructed; where a change in an existing facility results in an increase in the total emissions at a source; and where a new facility is constructed at a source. Thus, unless total emissions from a primary copper smelter increase, most alterations to existing roasters, smelting furnaces or copper converters which increase their emissions will not cause these facilities to be considered modified and subject to standards of performance.

The Administrator does not believe the standards promulgated herein will deter expansion of existing primary copper smelters. As discussed earlier, the Administrator concluded at proposal that the cost of controlling reverberatory smelting furnaces was unreasonable (through the use of various sulfur dioxide scrubbing systems currently available), and for this reason included an exemption in the proposed standards for existing reverberatory smelting furnaces. The prime objective of this exemption was to ensure that existing primary copper smelters could expand copper production at reasonable costs.

Also, as discussed earlier, the Arthur D. Little study examined this aspect of the proposed standards and concluded the standards would have little or no impact on the ability of existing primary copper smelters to expand production.

This conclusion was subject to two qualifications: other means of expanding smelter capacity might exist than those examined and the impact of the proposed standards on these means of expanding capacity is unknown; and it was assumed that existing single absorption sulfuric acid plants could be converted to double absorption, but at some smelters this might not be possible.

The Administrator does not feel these qualifications seriously detract from the essential conclusion that the standards are likely to have little impact on the expansion capabilities of existing copper smelters. The various means of expanding smelter capacity examined in the Arthur D. Little study represent commonly employed techniques for increasing copper production from as little as 10 to 20 percent, to as much as 50 percent at existing smelters. Consequently, the Administrator considers the approaches examined in the study as broadly representative of various means of expanding existing primary copper smelters and as a reasonable basis from which conclusions regarding the potential impact of the standards on the expansion capabilities of the domestic primary copper smelting industry can be drawn.

The Administrator views the assumption in the Arthur D. Little report that existing single absorption sulfuric acid plants can be converted to double absorption as a good assumption. Although at some existing primary copper smelters the physical plant layout might complicate a conversion from single absorption to double absorption, the remote isolated location of most smelters provides ample space for the construction of additional plant facilities. Thus, while the costs for conversion may vary from smelter to smelter, it is unlikely that at any smelter a conversion could not be made.

As proposed, provisions were included in the regulations specifically stating that physical and operating changes to existing reverberatory smelting furnaces which resulted in an increase in sulfur dioxide emissions would not be considered modifications, provided total emissions of sulfur dioxide from the copper smelter did not increase above levels specified in State implementation plans.

Since proposal of the standards, amendments to 40 CFR Part 60 to clarify the meaning of modification under section 111 have been proposed. These amendments permit changes to existing facilities within a source which increase emissions from these facilities without requiring compliance with standards of performance, provided total emissions from the source do not increase. Since this was the objective of the provisions included in the proposed regulations for primary copper smelters with regard to changes to existing reverberatory smelting furnaces, these provisions are no longer necessary and have been deleted from the promulgated regulations.

(6) *Increased energy consumption.* Two commentators indicated that the Agency's estimate of the impact of the standards of performance for primary copper, zinc and lead smelters on energy consumption was much too low. Since the number of smelters which will be affected by the standards is relatively small, the Agency has developed a scenario on a smelter-by-smelter basis, by which the domestic industry could increase copper production by 400,000 tons by 1980. This increase in copper production represents a growth rate of about 3.5 percent per year and is consistent with historical industry growth rates of 3 to 4 percent per year.

On this new basis, the energy required to control all new primary copper, zinc and lead smelters constructed by 1980 to comply with both the proposed standards and the standards promulgated herein is the same and is estimated to be 320 million kilowatt-hours per year. This is equivalent to about 520,000 barrels of number 6 fuel oil per year. Relative to typical State implementation plan requirements for primary copper, zinc and lead smelters, the incremental energy required by these standards is 50 million kilowatt-hours per year, which is equivalent to about 80,000 barrels of number 6 fuel oil per year.

The energy required to comply with the promulgated standards at these new smelters by 1980 represents no more than approximately 3.5 percent of the process energy which would be required to operate these smelters in the absence of any control of sulfur dioxide emissions. The incremental amount of energy required to meet these standards is somewhat less than 0.5 percent of the total energy (process plus air pollution) which would be required to operate these new smelters and meet typical State implementation plan emission control requirements.

One commentator stated the Agency's initial estimate of the increased energy requirements associated with the proposed standards was low because the Agency did not take into account a 3 million Btu per ton of copper concentrate energy debit, attributed by the commentator to electric smelting compared to reverberatory smelting. The new basis used by the Agency to estimate the impact of the standards on energy consumption anticipates no new electric smelting by 1980. Consequently, any difference in the energy consumed by electric smelting compared to reverberatory smelting will have no impact on the amount of energy required to comply with the standards.

The Agency's estimates of the energy requirements associated with electric smelting and reverberatory smelting, which are included in the background information for the proposed standards, are based on a review of the technical literature and contacts with individual smelter operators. These estimates agree quite favorably with those developed in the Arthur D. Little study, which verified the Agency's conclusion that the overall energy requirements associated with reverberatory and electric smelting are essentially the same. It remains, the Administrator's conclusion, therefore, that there is no energy debit associated with electric smelting compared to reverberatory smelting.

Another commentator feels the Agency's original estimates fail to take into account the fuel necessary to maintain proper operating temperatures in sulfuric acid plants. This commentator estimates that about 82,000 barrels of fuel oil per year are required to heat the gases in a double absorption sulfuric acid plant. The commentator then assumes the domestic non-ferrous smelting industry will expand production by 50 percent in the immediate future, citing the Arthur D. Little study for support. Since about 30 metallurgical sulfuric acid plants are currently in use within the domestic smelting industry, the commentator assumes this means 15 new metallurgical sulfuric acid plants will be constructed in the future. This leads to an estimated energy impact associated with the standards of performance of about 1¼ million barrels of fuel oil per year.

It should be noted, however, that the growth projections developed in the Arthur D. Little study are only for the domestic copper smelting industry, and cannot be assumed to apply to the domestic zinc and lead smelting industries. Over half the domestic zinc smelters, for example, have shut down since 1968 and zinc production has fallen sharply, although recently plans have been announced for two new zinc smelters. In addition, the domestic lead industry is widely viewed as a static industry with little prospect for growth in the near future.

Furthermore, the Arthur D. Little study does not project a 50 percent expansion of the domestic copper smelting industry in the immediate future. By 1980, the study estimates domestic copper production will have increased by 15 percent over 1974 and by 1985, domestic copper production will have increased by 35 percent.

The Agency's growth projections for the domestic copper smelting industry are somewhat higher than those of the Arthur D. Little study and forecast a 19 percent increase in copper production by 1980 over 1974. The commentator's estimate of a 50 percent expansion of the domestic non-ferrous smelting industry in the immediate future, therefore, appears much too high. Where the commentator estimates that the standards of performance will affect the construction of 15 new metallurgical sulfuric acid plants, the Agency estimates the standards will affect the construction of 7 new acid plants (6 in the copper industry, 1 in the zinc industry and none in the lead industry). In addition, the Agency estimates the standards will require the conversion of 6 existing single absorption acid plants to double absorption (5 in the copper industry, 1 in the zinc industry and none in the lead industry).

As noted above, the commentator's calculations also assume that these 15 new metallurgical acid plants do not operate autothermally (i.e., fuel firing is necessary to maintain proper operating temperatures). The commentator's estimate that a double absorption sulfuric acid plant requires 82,000 barrels of fuel oil per year is based on operation of an acid plant designed to operate autothermally at 4½ percent sulfur dioxide, but which operates on gases con-

taining only 3½ percent sulfur dioxide 40 percent of the time.

Using this same basis, the Agency calculates that a sulfuric acid plant should require less than 5,000 barrels of oil per year. A review of these calculations with two acid plant vendors and a private consultant has disclosed no errors. The Administrator must assume, therefore, that the commentator's calculations are in error, or assume an unrealistically low degree of heat recovery in the acid plant to preheat the incoming gases, or are based on a poorly designed or poorly operated sulfuric acid plant which fails to achieve the degree of heat recovery normally expected in a properly designed and operated sulfuric acid plant.

Regardless of these calculations, however, the Administrator feels that with good design, operation and maintenance of the roasters, smelting furnaces, concerters, sulfuric acid plant and the flue gas collection system and ductwork, the concentration of sulfur dioxide in the gases processed by a sulfuric acid plant can be maintained above 3½ to 4 percent sulfur dioxide. This level is typically the autothermal point at which no fuel need be fired to maintain proper operating temperatures in a well designed metallurgical sulfuric acid plant. Except for occasional start-ups, therefore, a well designed and properly operated metallurgical sulfuric acid plant should operate autothermally and not require fuel for maintaining proper operating temperatures. Thus, it remains the Administrator's conclusion that the impact of the standards on increased energy consumption, resulting from increased fuel consumption to operate sulfuric acid plants, is negligible.

(7) *Emission control technology.* As three commentators correctly noted, the proposed standards essentially require the use of one emission control technology—double absorption sulfuric acid plants. These commentators feel, however, that this prevents the use of alternative emission control technologies such as single absorption sulfuric acid plants and elemental sulfur plants, and that these are equally effective and, in the case of elemental sulfur plants, place less stress on the environment.

Although these commentators acknowledge that double absorption sulfuric acid plants operate at a higher efficiency than single absorption acid plants (99.5 percent vs. 97 percent), they feel the availability of double absorption plants is lower than that of single absorption plants (90 percent vs. 92 percent). These commentators also point out that double absorption acid plants require more energy to operate than single absorption plants. When the effect of these factors on overall sulfur dioxide emissions is considered, these commentators feel there is no essential difference between double and single absorption acid plants.

The difference in availability between single and double absorption sulfuric acid plants cited by these commentators was estimated from data gathered solely on single absorption acid plants, and is due essentially to only one item—that of the acid coolers for the sulfuric acid produced in the absorption towers. The data used by these commentators, however, reflects "old technology" in this respect. If the data are adjusted to reflect new acid cooler technology, the availability of single and double absorption acid plants is estimated to be 94 and 93.5 percent, respectively.

Taking into account these differences in efficiency and availability, the installation of a 1000-ton-per-day double absorption acid plant rather than a single absorption acid plant results in an annual reduction in sulfur dioxide emissions of about 4,500 tons. The difference in annual availability between single and double absorption acid plants, however, does not influence short-term emissions. Over short time periods the difference in emissions between single and double absorption acid plants is a reflection only of their difference in operating efficiency. Over a 24-hour period, for example, a 1000-ton-per-day single absorption acid pant will emit about 20 tons of sulfur dioxide compared to about 3.5 tons from a double absorption acid plant. Consequently, the difference in emission control obtained through the use of double absorption rather than single absorption acid plants is significant.

The increased sulfur dioxide emissions released to the atmosphere to provide the greater energy requirements of double absorption over single absorption acid plants is also minimal. For a nominal 1000-ton-per-day sulfuric acid plant, the difference in sulfur dioxide emissions between a single absorption plant and a double absorption plant is about 16.5 tons per day as mentioned above. The sulfur dioxide emissions from the combustion of a 1.0 percent sulfur fuel oil to provide the difference in energy required, however, is of the order of magnitude of only 200 pounds per day.

As mentioned above, these commentators also feel that elemental sulfur plants are as effective as double absorption sulfuric acid plants and place less stress on the environment. Elemental sulfur plants normally achieve emission reduction efficiencies of only about 90 percent, which is significantly lower than the 99+ percent normally achieved in double absorption sulfuric acid plants. Consequently, the Administrator does not consider elemental sulfur plants nearly as effective as double absorption sulfuric acid plants.

Although elemental sulfur presents no potential water pollution problems and can be easily stored, thus remaining a possible future resource, the Administrator does not agree that production of elemental sulfur places less stress on the environment than production of sulfuric acid. At every smelter now producing sulfuric acid, an outlet for this acid has been found, either in copper leaching operations to recover copper from oxide ores, or in the traditional acid markets, such as the production of fertilizer. Thus, sulfuric acid, unlike elemental sulfur, has found use as a current resource and not required storage for use as a possible future resource.

The Administrator believes that this situation will also generally prevail in the future. If sulfuric acid must be neutralized at a specific smelter, however, this can be accomplished with proper precautions without leading to water pollution problems, as discussed in the background information supporting the proposed standards.

A major drawback associated with the production of elemental sulfur, however, is the large amount of fuel required as a reductant in the process. When compared to sulfuric acid production in double absorption sulfuric acid plants, elemental sulfur production requires from 4 to 6 times as much energy. Consequently, the Administrator is not convinced that elemental sulfur production, which releases about 20 times more sulfur dioxide into the atmosphere, yet consumes 4 to 6 times as much energy, could be considered less stressful on the environment than sulfuric acid production.

PRIMARY ZINC SMELTERS

Only one major comment was submitted to the Agency concerning the proposed standards of performance for primary zinc smelters. This comment questioned whether it would be possible in all cases to eliminate 90 percent or more of the sulfur originally present in the zinc concentrates during roasting.

Most primary zinc smelters employ either the electrolytic smelting process or the roast/sinter smelting process, both of which require a roasting operation. The roast/sinter process, however, requires a sintering operation following roasting. Sulfur not removed from the concentrates during roasting is removed during sintering. Since the amount of sulfur removed by sintering is small, the gases discharged from this operation contain a low concentration of sulfur dioxide. As discussed in the preamble to the proposed standards, the cost of controlling these emissions was judged by the Administrator to be unreasonable.

The amount of sulfur dioxide emitted from the sintering machine, however, depends on the sulfur removal achieved in the preceding roaster. To ensure a high degree of sulfur removal during roasting which will minimize sulfur dioxide emissions from the sintering machine, the sulfur dioxide standard applies to any sintering machine which eliminates more than 10 percent of the sulfur originally present in the zinc concentrates. This requires 90 percent or more of the sulfur to be eliminated during roasting, which is consistent with good operation of roasters as presently practiced at the two zinc smelters in the United States which employ the roast/sinter process.

One commentator pointed out that calcium and magnesium which are present as impurities in some zinc concentrates could combine with sulfur during roasting to form calcium and magnesium sulfates. These materials would remain in the calcine (roasted concentrate). If these sulfates were reduced in the sintering operation, this could lead to more than 10 percent of the sulfur originally present in the zinc concentrates being

emitted from the sintering machine. Under these conditions the sintering machine would be required to comply with the sulfur dioxide standard.

Although it is possible that this situation could arise, as acknowledged by the commentator himself it does not seem likely. Only a few zinc concentrates contain enough calcium and magnesium to carry as much as 10 percent of the sulfur in the concentrate over into the sintering operation, even assuming all the calcium and magnesium present combined with sulfur during the roasting operation.

In addition, a number of smelter operators contacted by the Agency indicated that it is quite possible that not all the calcium and magnesium present would combine with sulfur to form sulfates during roasting. It is equally possible, according to these operators, that not all the calcium and magnesium sulfates formed would be reduced in the sintering machine. Thus, even with those few concentrates which do contain a high level of calcium and magnesium, the extent to which calcium and magnesium might contribute to high sulfur emissions from the sintering operation is questionable.

Furthermore, these smelter operators indicated that at most zinc smelters a number of different zinc concentrates are normally blended to provide a homogeneous charge to the roasting operation. As pointed out by these operators, this effectively permits a smelter operator to reduce the amount of calcium and magnesium present in the charge by blending off the high levels of calcium and magnesium present in one zinc concentrate against the low levels present in another concentrate.

The Agency also discussed this potential problem with a number of mill operators. These operators indicated that additional milling could be employed to reduce calcium and magnesium levels in zinc concentrates. Although additional milling would entail some additional cost and probably result in a somewhat higher loss of zinc to the tailings, calcium and magnesium levels could be reduced well below the point where formation of calcium and magnesium sulfate during roasting would be of no concern.

While one may speculate that calcium and magnesium might lead to the formation of sulfates during roasting, which might in turn be reduced during sintering, the extent to which this would occur is unknown. Consequently, whether this would prevent a primary zinc smelter employing the roast/sinter process from limiting emissions from sintering to no more than 10 percent of the sulfur originally present in the zinc concentrates is questionable. The fact remains, however, that at the two primary zinc smelters currently operating in the United States which employ the roast/sinter process this has not been a problem. Furthermore, it appears that if calcium and magnesium were to present a problem in the future, a number of appropriate measures, such as additional blending of zinc concentrates or additional milling of those concentrates containing high calcium and magnesium levels, could be employed to deal with the situation. As a result, the standards of performance promulgated herein for primary zinc smelters require a sintering machine emitting more than 10 percent of the sulfur originally present in the zinc concentrates to comply with the sulfur dioxide standard for roasters.

PRIMARY LEAD SMELTERS

No major comments were submitted to the Agency concerning the proposed standards of performance for primary lead smelters. The proposed standards, therefore, are promulgated herein with only minor changes.

VISIBLE EMISSIONS

The opacity levels contained in the proposed standards to limit visible emissions have been reexamined to ensure they are consistent with the provisions promulgated by the Agency since proposal of these standards for determining compliance with visible emissions standards (39 FR 39872). These provisions specify, in part, that the opacity of visible emissions will be determined as a 6-minute average value of 24 consecutive readings taken at 15 second intervals. Reevaluation of the visible emission data on which the opacity levels in the proposed standards were based, in terms of 6-minute averages, indicates no need to change the opacity levels initially proposed. Consequently, the standards of performance are promulgated with the same opacity limits on visible emissions.

TEST METHODS

The proposed standards of performance for primary copper smelters, primary zinc smelters and primary lead smelters were accompanied by amendments to Appendix A—Reference Methods of 40 CFR Part 60. The purpose of these amendments was to add to Appendix A a new test method (Method 12) for use in determining compliance with the proposed standards of performance. Method 12 contained performance specifications for the sulfur dioxide monitors required in the proposed standards and prescribed the procedures to follow in demonstrating that a monitor met these performance specifications.

Since proposal of these standards of performance, the Administrator has proposed amendments to Subpart A—General Provisions of 40 CFR Part 60, establishing a consistent set of definitions and monitoring requirements applicable to all standards of performance. These amendments include a new appendix (Appendix B—Performance Specifications) which contains performance specifications and procedures to follow when demonstrating that a continuous monitor meets these performance specifications. A continuous monitoring system for measuring sulfur dioxide concentrations that is evaluated in accordance with the procedures contained in this appendix will be satisfactory for determining compliance with the standards promulgated herein for sulfur dioxide.

The proposed Method 12 is therefore withdrawn to prevent an unnecessary repetition of information in 40 CFR Part 60.

EFFECTIVE DATE

In accordance with section 111 of the Act, these regulations prescribing standards of performance for primary copper smelters, primary zinc smelters and primary lead smelters are effective on (date of publication) 1975 and apply to all affected facilities at these sources on which construction or modification commenced after October 16, 1974.

Dated: December 30, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended by adding subparts P, Q and R as follows:

* * * * *

Subpart P—Standards of Performance for Primary Copper Smelters

60.160 Applicability and designation of affected facility.
60.161 Definitions.
60.162 Standard for particulate matter.
60.163 Standard for sulfur dioxide.
60.164 Standard for visible emissions.
60.165 Monitoring of operations.
60.166 Test methods and procedures.

Subpart Q—Standards of Performance for Primary Zinc Smelters

60.170 Applicability and designation of affected facility.
60.171 Definitions.
60.172 Standard for particulate matter.
60.173 Standard for sulfur dioxide.
60.174 Standard for visible emissions.
60.175 Monitoring of operations.
60.176 Test methods and procedures.

Subpart R—Standards of Performance for Primary Lead Smelters

60.180 Applicability and designation of affected facility.
60.181 Definitions.
60.182 Standard for particulate matter.
60.183 Standard for sulfur dioxide.
60.184 Standard for visible emissions.
60.185 Monitoring of operations.
60.186 Test methods and procedures.

AUTHORITY: (Secs. 111, 114 and 301 of the Clean Air Act as amended (42 U.S.C. 1857c-6, 1857c-9, 1857g).)

* * * * *

2. Part 60 is amended by adding subparts P, Q and R as follows:

Subpart P—Standards of Performance for Primary Copper Smelters

§ 60.160 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary copper smelters: Dryer, roaster, smelting furnace, and copper converter.

§ 60.161 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Primary copper smelter" means any installation or any intermediate process engaged in the production of copper from copper sulfide ore concentrates through the use of pyrometallurgical techniques.

(b) "Dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility.

(c) "Roaster" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (5 percent or more) of the sulfur contained in the charge.

(d) "Calcine" means the solid materials produced by a roaster.

(e) "Smelting" means processing techniques for the melting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, and/or copper matte.

(f) "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

(g) "Copper converter" means any vessel to which copper matte is charged and oxidized to copper.

(h) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

(i) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

(j) "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

(k) "Total smelter charge" means the weight (dry basis) of all copper sulfides ore concentrates processed at a primary copper smelter, plus the weight of all other solid materials introduced into the roasters and smelting furnaces at a primary copper smelter, except calcine, over a one-month period.

(l) "High level of volatile impurities" means a total smelter charge containing more than 0.2 weight percent arsenic, 0.1 weight percent antimony, 4.5 weight percent lead or 5.5 weight percent zinc, on a dry basis.

§ 60.162 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any dryer any gases which contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

§ 60.163 Standard for sulfur dioxide.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any roaster, smelting furnace, or copper converter any gases which contain sulfur dioxide in excess of 0.065 percent by volume, except as provided in paragraphs (b) and (c) of this section.

(b) Reverberatory smelting furnaces shall be exempted from paragraph (a) of this section during periods when the total smelter charge at the primary copper smelter contains a high level of volatile impurities.

(c) A change in the fuel combusted in a reverberatory furnace shall not be considered a modification under this part.

§ 60.164 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any dryer any visible emissions which exhibit greater than 20 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid to comply with the standard set forth in § 60.163, any visible emissions which exhibit greater than 20 percent opacity.

§ 60.165 Monitoring of operations.

(a) The owner or operator of any primary copper smelter subject to § 60.163 (b) shall keep a monthly record of the total smelter charge and the weight percent (dry basis) of arsenic, antimony, lead and zinc contained in this charge. The analytical methods and procedures employed to determine the weight of the monthly smelter charge and the weight percent of arsenic, antimony, lead and zinc shall be approved by the Administrator and shall be accurate to within plus or minus ten percent.

(b) The owner or operator of any primary copper smelter subject to the provisions of this subpart shall install and operate:

(1) A continuous monitoring system to monitor and record the opacity of gases discharged into the atmosphere from any dryer. The span of this system shall be set at 80 to 100 percent opacity.

(2) A continuous monitoring system to monitor and record sulfur dioxide emissions discharged into the atmosphere from any roaster, smelting furnace or copper converter subject to § 60.163 (a). The span of this system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(i) The continuous monitoring system performance evaluation required under § 60.13(c) shall be completed prior to the initial performance test required under § 60.8. During the performance evaluation, the span of the continuous monitoring system may be set at a sulfur dioxide concentration of 0.15 percent by volume if necessary to maintain the system output between 20 percent and 90 percent of full scale. Upon completion of the continuous monitoring system performance evaluation, the span of the continuous monitoring system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(ii) For the purpose of the continuous monitoring system performance evaluation required under § 60.13(c) the reference method referred to under the Field Test for Accuracy (Relative) in Performance Specification 2 of Appendix B to this part shall be Reference Method 6. For the performance evaluation, each concentration measurement shall be of one hour duration. The pollutant gas used to prepare the calibration gas mixtures required under paragraph 2.1, Performance Specification 2 of Appendix B, and for calibration checks under § 60.13 (d), shall be sulfur dioxide.

(c) Six-hour average sulfur dioxide concentrations shall be calculated and recorded daily for the four consecutive 6-hour periods of each operating day. Each six-hour average shall be determined as the arithmetic mean of the appropriate six contiguous one-hour average sulfur dioxide concentrations provided by the continuous monitoring system installed under paragraph (b) of this section.

(d) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) Opacity. Any six-minute period during which the average opacity, as measured by the continuous monitoring system installed under paragraph (b) of this section, exceeds the standard under § 60.164(a).

(2) Sulfur dioxide. Any six-hour period, as described in paragraph (c) of this section, during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under paragraph (b) of this section, exceeds the standard under § 60.163.

§ 60.166 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.162, 60.163 and 60.164 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content.

(2) Sulfur dioxide concentrations shall be determined using the continuous monitoring system installed in accordance with § 60.165(b). One 6-hour average period shall constitute one run. The monitoring system drift during any run shall not exceed 2 percent of span.

(b) For Method 5, Method 1 shall be used for selecting the sampling site and the number of traverse points, Method 2 for determining velocity and volumetric flow rate and Method 3 for determining the gas analysis. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

Subpart Q—Standards of Performance for Primary Zinc Smelters

§ 60.170 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary zinc smelters: roaster and sintering machine.

§ 60.171 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Primary zinc smelter" means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(b) "Roaster" means any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (more than 10 percent) of the sulfur contained in the charge.

(c) "Sintering machine" means any furnace in which calcines are heated in the presence of air to agglomerate the calcines into a hard porous mass called "sinter."

(d) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

§ 60.172 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine any gases which contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

§ 60.173 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any roaster any gases which contain sulfur dioxide in excess of 0.065 percent by volume.

(b) Any sintering machine which eliminates more than 10 percent of the sulfur initially contained in the zinc sulfide ore concentrates will be considered as a roaster under paragraph (a) of this section.

§ 60.174 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine any visible emissions which exhibit greater than 20 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid plant to comply with the standard set forth in § 60.173, any visible emissions which exhibit greater than 20 percent opacity.

§ 60.175 Monitoring of operations.

(a) The owner or operator of any primary zinc smelter subject to the provisions of this subpart shall install and operate:

(1) A continuous monitoring system to monitor and record the opacity of gases discharged into the atmosphere from any sintering machine. The span of this system shall be set at 80 to 100 percent opacity.

(2) A continuous monitoring system to monitor and record sulfur dioxide emissions discharged into the atmosphere from any roaster subject to § 60.173. The span of this system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(i) The continuous monitoring system performance evaluation required under § 60.13(c) shall be completed prior to the initial performance test required under § 60.8. During the performance evaluation, the span of the continuous monitoring system may be set at a sulfur dioxide concentration of 0.15 percent by volume if necessary to maintain the system output between 20 percent and 90 percent of full scale. Upon completion of the continuous monitoring system performance evaluation, the span of the continuous monitoring system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(ii) For the purpose of the continuous monitoring system performance evaluation required under § 60.13(c), the reference method referred to under the Field Test for Accuracy (Relative) in Performance Specification 2 of Appendix B to this part shall be Reference Method 6. For the performance evaluation, each concentration measurement shall be of one hour duration. The pollutant gas used to prepare the calibration gas mixtures required under paragraph 2.1, Performance Specification 2 of Appendix B, and for calibration checks under § 60.13 (d), shall be sulfur dioxide.

(b) Two-hour average sulfur dioxide concentrations shall be calculated and recorded daily for the twelve consecutive 2-hour periods of each operating day. Each two-hour average shall be determined as the arithmetic mean of the appropriate two contiguous one-hour average sulfur dioxide concentrations provided by the continuous monitoring system installed under paragraph (a) of this section.

(c) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) Opacity. Any six-minute period during which the average opacity, as measured by the continuous monitoring system installed under paragraph (a) of this section, exceeds the standard under § 60.174(a).

(2) Sulfur dioxide. Any two-hour period, as described in paragraph (b) of this section, during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under paragraph (a) of this section, exceeds the standard under § 60.173.

§ 60.176 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.172, 60.173 and 60.174 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content.

(2) Sulfur dioxide concentrations shall be determined using the continuous monitoring system installed in accordance with § 60.175(a). One 2-hour average period shall constitute one run.

(b) For Method 5, Method 1 shall be used for selecting the sampling site and the number of traverse points, Method 2 for determining velocity and volumetric flow rate and Method 3 for determining the gas analysis. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

Subpart R—Standards of Performance for Primary Lead Smelters

§ 60.180 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary lead smelters: sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace, and converter.

§ 60.181 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Primary lead smelter" means any installation or any intermediate process engaged in the production of lead from lead sulfide ore concentrates through the use of pyrometallurgical techniques.

(b) "Sintering machine" means any furnace in which a lead sulfide ore concentrate charge is heated in the presence of air to eliminate sulfur contained in the charge and to agglomerate the charge into a hard porous mass called "sinter."

(c) "Sinter bed" means the lead sulfide ore concentrate charge within a sintering machine.

(d) "Sintering machine discharge end" means any apparatus which receives sinter as it is discharged from the conveying grate of a sintering machine.

(e) "Blast furnace" means any reduction furnace to which sinter is charged and which forms separate layers of molten slag and lead bullion.

(f) "Dross reverberatory furnace" means any furnace used for the removal or refining of impurities from lead bullion.

(g) "Electric smelting furnace" means any furnace in which the heat necessary for smelting of the lead sulfide ore con-

centrate charge is generated by passing an electric current through a portion of the molten mass in the furnace.

(h) "Converter" means any vessel to which lead concentrate or bullion is charged and refined.

(i) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

§ 60.182 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end any gases which contain particulate matter in excess of 59 mg/dscm (0.022 gr/dscf).

§ 60.183 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine, electric smelting furnace, or converter gases which contain sulfur dioxide in excess of 0.065 percent by volume.

§ 60.184 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end any visible emissions which exhibit greater than 20 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid plant to comply with the standard set forth in § 60.183, any visible emissions which exhibit greater than 20 percent opacity.

§ 60.185 Monitoring of operations.

(a) The owner or operator of any primary lead smelter subject to the provisions of this subpart shall install and operate:

(1) A continuous monitoring system to monitor and record the opacity of gases discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end. The span of this system shall be set at 80 to 100 percent opacity.

(2) A continuous monitoring system to monitor and record sulfur dioxide emissions discharged into the atmosphere from any sintering machine, electric furnace or converter subject to § 60.183. The span of this system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(i) The continuous monitoring system performance evaluation required under § 60.13(c) shall be completed prior to the initial performance test required under § 60.8. During the performance evaluation, the span of the continuous monitoring system may be set at a sulfur dioxide concentration of 0.15 percent by volume if necessary to maintain the system output between 20 percent and 90 percent of full scale. Upon completion of the continuous monitoring system performance evaluation, the span of the continuous monitoring system shall be set at a sulfur dioxide concentration of 0.20 percent by volume.

(ii) For the purpose of the continuous monitoring system performance evaluation required under § 60.13(c), the reference method referred to under the Field Test for Accuracy (Relative) in Performance Specification 2 of Appendix B to this part shall be Reference Method 6. For the performance evaluation, each concentration measurement shall be of one hour duration. The pollutant gases used to prepare the calibration gas mixtures required under paragraph 2.1, Performance Specification 2 of Appendix B, and for calibration checks under § 60.13(d), shall be sulfur dioxide.

(b) Two-hour average sulfur dioxide concentrations shall be calculated and recorded daily for the twelve consecutive two-hour periods of each operating day. Each two-hour average shall be determined as the arithmetic mean of the appropriate two contiguous one-hour average sulfur dioxide concentrations provided by the continuous monitoring system installed under paragraph (a) of this section.

(c) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) Opacity. Any six-minute period during which the average opacity, as measured by the continuous monitoring system installed under paragraph (a) of this section, exceeds the standard under § 60.184(a).

(2) Sulfur dioxide. Any two-hour period, as described in paragraph (b) of this section, during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under paragraph (a) of this section, exceeds the standard under § 60.183.

§ 60.186 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.182, 60.183 and 60.184 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content.

(2) Sulfur dioxide concentrations shall be determined using the continuous monitoring system installed in accordance with § 60.185(a). One 2-hour average period shall constitute one run.

(b) For Method 5, Method 1 shall be used for selecting the sampling site and the number of traverse points, Method 2 for determining velocity and volumetric flow rate and Method 3 for determining the gas analysis. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

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federal register

THURSDAY, JANUARY 15, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Performance Funding System

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-325]

PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Subpart A—Performance Funding System

Notice is hereby given that the Secretary amends 24 CFR Part 890, by adopting a final rule which: (1) revises § 890.105, and (2) eliminates the deadline date in § 890.110(a)(3).

The methodology of the Performance Funding System set forth in the Interim Rule published April 18, 1976, at 40 FR 17008, contemplated annual updating of the formula weights and constant, as stated in the preamble to the Interim Rule. Computations have been made in accordance with the said methodology in order to obtain the first annual updating of the formula weights and constant. These revised weights and constant are made effective with respect to housing authority budget years commencing October 1, 9175, January 1, 1976, April 1, 1976 and July 1, 1976. At the same time, the deadline date for appeals in § 890.110 (a)(3) is being eliminated in order to permit all housing authorities to submit appeals subsequent to the issuance of this Final Rule.

The Department has received extensive comments regarding the Interim Rule. A large number of these comments relate to anticipated practical operational problems. A number of comments asserted that certain inequities were likely to develop from application of the Interim Rule. Other comments suggested various changes to the Interim Rule in order to take into account additional particular factors.

In view of experience to date and the nature of the extensive comments received, the Department has determined that the requirements, procedures and rules set forth in the Interim Rule should continue in effect for at least one full year prior to further revisions in order to provide additional experience upon which to base decisions on the comments received. The Department, in arriving at this determination, has considered all of the comments submitted. These comments will continue to be considered by the Department; no disposition of the comments is being made at this time.

There follows a summary of the 26 comments which have been received in response to the April 18 publication.

SUMMARY OF COMMENTS

Various comments recommend changes in terminology in order to simplify the regulations.

Several comments recommended that the Interim Rule be made effective as to fiscal years commencing January 1, 1974 or January 1, 1975.

A variety of suggestions were made with respect to procedures for review of appeals, and criteria for submitting appeals for adjustment of the Base Year Expense Level.

Other comments concerned the role of HUD field offices in making adjustments for abnormal items, new projects, and payment in lieu of taxes in computing the Base Year Expense Level.

A number of comments were submitted with respect to provisions regarding utilities, particularly the discretionary character of utility adjustments, the coinsurance feature with respect to consumption increases and decreases, the use of estimated versus actual data, and the computation of Utilities Expense Level where consumption data is unavailable.

Several comments were received with respect to the overall fairness of the performance funding system, the effect on funding for excessively high-cost housing authorities, the adequacy of transitional funding, and the corresponding procedures under the regulations. Other comments addressed the relationship of the Allowable Expense Level to the requirements of the Model Lease, and the relation of Fair Market Rent Levels to the inflation multiplier.

Some comments also suggested exploration of data other than municipal wage levels to measure inflation and evaluate the Local Government Wages Inflation Factor.

Comments were received regarding dwelling unit income and requests for adjustments.

A variety of comments were received with respect to factors which are not included as variables in the formula and also with respect to the efficacy of the formula in achieving the goal of increased efficiency. In addition, comments were received questioning the basic methodology used in developing the formula. Similar comments questioned the application of the formula to housing authorities of different sizes or to housing authorities varying in other respects. Comments also questioned the use of a range in the amount of $10.31, and some comments suggested alternative approaches such as weighing the range in relation to the age of projects, or increasing the dollar amount of the range. Comments suggested a variety of additional proposals such as basing subsidies on section 8 fair market rents, providing special funding for repair of deteriorating projects, or providing for increase in reserves out of operating subsidy funds. Other comments urged amendment of the rule with respect to average percentage of occupancy, average bedroom size, population of area served and average age of projects. Finally, several comments were received suggesting that the overall performance funding system be adopted for a two-year trial period for testing and observation.

The Department of Housing and Urban Development has determined that an Environmental Impact Statement is not required with respect to the Rule. The Finding of Inapplicability prepared in connection with the previous Interim Rule is applicable to this amendment and a copy of that Finding is available for inspection with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Title 24, Part 890, Annual Contributions for Operating Subsidy, Subpart A, Performance Funding System, is amended by revising §§ 890.105 (b) and 890.110(a)(3).

As revised, § 890.105(b) reads as follows:

§ 890.105 Computation of Allowable Expense Level.

* * * * *

(b) *Computation of Formula Expense Level.* The PHA shall compute its Formula Expense Level in accordance with this subsection. The weights of the Formula and the Formula itself are subject to updating by HUD annually or at any other time.

(1) *Formula Applicable to PHA Budget Years Commencing April 1, 1975 and July 1, 1975.* The Formula applicable to PHA budget years commencing April 1, 1975 and July 1, 1975 is as follows: (i) The square root of the population (in thousands) of the area served by the PHA, multiplied by the weight .4296; (ii) the average number of bedrooms per Project Unit, multiplied by the weight 7.7058; (iii) the square root of the average age of the oldest building of each Project (weighted by relative proportion of Project Units), multiplied by the weight 1.9530; (iv) the average height of the tallest building of each Project (weighted by relative proportion of Project Units in each Project) in stories, including only stories containing dwelling units or community facilities not in a basement, multiplied by the weight 1.2149; (v) the HUD-supplied index figure for the relative operation costs of a sample of PHAs in the HUD Region, multiplied by the weight .3727. The Formula constant of $25.2018 is subtracted from the sum of (i) through (v). The resulting amount is increased by the Local Government Wages Inflation Factor supplied by HUD. (Such increase is required under the current Formula to adjust for inflation between the Base Year and the previous year.)

Example 2: Assume that a PHA during the Base Year (i) served an area having a population of 43,034 people; (ii) had Project Units with an average of 3 bedrooms; (iii) had Project buildings whose age, weighted by relative numbers of units, was 4.45 years old; (iv) had Project buildings whose average height, weighted by relative proportion of units, was 2 stories; and (v) is in a HUD Region having a relative regional operating cost figure (supplied by HUD) of 97.00. Assume the Local Government Wages Inflation Factor supplied by HUD is 6 percent. Assume the PHA's Requested Budget Year commences April 1, 1975. The PHA's Formula Expense Level for its Base Year (April 1, 1974, to March 31, 1975) is $46.04, and is computed as follows:

Operating factor	Weights		Hypothetical PHA data		Product
Square root of population served	0.4210	×	8.58	=	$2.8181
Average number of bedrooms	7.7058	×	3.00	=	23.1174
Square root of average age of project buildings	1.9530	×	2.11	=	4.1208
Average height of project buildings	1.2149	×	2.00	=	2.1302
Relative regional operating cost	0.3727	×	97.00	=	36.1510
Total					68.6380
Subtraction of formula constant					−25.2018
Formula expense level					43.4362
Increase by local government					×1.08
Wages inflation factor					46.0423

(2) *Formula Applicable to PHA Budget Years Commencing October 1, 1975, January 1, 1967, April 1, 1976,* and *July 1, 1976.* The Formula applicable to PHA budget years commencing October 1, 1975, January 1, 1976, April 1, 1976, July 1, 1976, and subsequent budget years, subject to updating at any time, is as follows: (i) the square root of the population (in thousands) of the area served by the PHA, multiplied by the weight .31690; (ii) the average number of bedrooms per Project Unit, multiplied by the weight 10.46090; (iii) the square root of the average age of the oldest building of each Project (weighted by relative proportion of Project Units), multiplied by the weight .41980; (iv) the average height of the tallest building of each Project (weighted by relative proportion of Project Units in each Project) in stories, including only stories containing dwelling units or community facilities not in a basement, multiplied by the weight 1.62177; (v) the HUD-supplied index figure for the relative operation costs of a sample of PHAs in the HUD Region, multiplied by the weight .34078. The Formula constant of $16.81932 is subtracted from the sum of (i) through (v). The resulting amount is increased by the Local Government Wages Inflation Factor supplied by HUD. (Such increase is required under the current Formula to adjust for inflation between the Base Year and the previous year.)

* * * * *

As revised, § 890.110(a)(3) reads as follows:

§ 890.110 Requests for adjustments.

(a) * * *

(3) *Procedure.* A request, or any amendments thereto, under this subsection (a), shall be submitted to the HUD Field Office not earlier than August 1, 1975, and not later than a date to be served by publication in the FEDERAL REGISTER, or by notification served directly upon PHA's, whichever is considered appropriate. HUD will not act upon such requests until after the deadline. A request under this subsection must include a calculation of the amount per unit per month of requested increase in the Base Year PHA Expense Level, and must show the requested increase as a percentage of the Base Year PHA Expense Level.

* * * * *

AUTHORITY: Section 7(d) Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).

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

Effective Date: This revision to Part 890, Subpart A, is effective January 14, 1976.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.76–1153 Filed 1–9–76;5:00 pm]

federal register

THURSDAY, JANUARY 15, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development Office of Assistant Secretary

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Housing Assistance Plans

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

[24 CFR Part 570]

[Docket No. R-76-92]

COMMUNITY DEVELOPMENT BLOCK GRANTS; HOUSING ASSISTANCE PLANS

Notice of Proposed Rulemaking

On June 9, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the community development block grant program. These included regulations governing the submission of housing assistance plans as part of applications for grants under Title I of the Housing and Community Development Act of 1974, which appear as 24 CFR 570.303.

The Department has now had the experience of reviewing and approving housing assistance plans in Fiscal Year 1975. This experience shows the need for some changes, clarifications, and more explicit standards. These proposed revisions to Housing Assistance Plan rules and regulations are being published separately because they have evolved into one of the most significant parts of the community development application process, and have a significant impact on various aspects of HUD-assisted housing program activities. Accordingly, notice is hereby given that HUD is revising 24 CFR 570.303(c) to incorporate a series of technical and substantive amendments which are discussed in the following paragraphs.

1. Section 570.303(c)(1) is revised to make the identification of units suitable for rehabilitation mandatory if the applicant intends to use a rehabilitation strategy to meet housing assistance goals. In addition, the condition of units designated as suitable for rehabilitation must be identified as standard or substandard and occupied or vacant.

Applicants must provide a separate analysis of the numbers of occupied and vacant low-rent public housing and HUD-insured subsidized multifamily housing units in the community and information with respect to the condition of low-rent public housing.

2. Section 570.303(c)(2) is revised to clarify that estimates of households to be displaced are limited to the number displaced in the program year. Standards are established which require that applicants measure the number of households expected to reside in the community as a result of planned or existing employment facilities. These include the number of lower-income households with a worker expected to be employed in the community as a result of employment to be generated by new or expanded development, and the number of lower-income households with a worker already employed in the community, but living elsewhere, who could be expected to reside in the applicant community, if housing they could afford were available.

Applicants are encouraged to utilize housing assistance needs assessments prepared by an areawide or state planing agency to fulfill the requirement to estimate households expected to reside. Alternative methods of assessing this need are set forth as well as a time frame in which the requirement must be met.

3. Section 570.303(c)(3) is revised to establish a definition of an adequate vacancy rate which applicants must consider in planning the mix of proposed Section 8 new construction, substantial rehabilitation, and existing housing units included in the goals for lower-income housing assistance. The section establishes a mandatory three year goal for all applicants, in addition to the annual goal. The three year housing assistance goals must be generally proportional to the housing needs of elderly, family, and large family households identified in § 570.303(c)(2). The Secretary also will consider whether the housing assistance goals meet the HUD standard of review that activities undertaken are not plainly inappropriate to meeting the needs and objectives identified by the applicant in those cases where substantial housing assistance needs are identified, resources are available, and applicants propose minimal activities to meet housing needs.

4. Section 570.303(c)(4) permits applicants which are small towns to indicate general locations of proposed housing by Bureau of Census enumeration districts. This section also requires that general locations proposed for Section 8 housing assistance conform to the appropriate site and neighborhood standards established for either the new construction or substantial rehabilitation program. General locations proposed for the Section 235 homeownership assistance program must meet at lease the adequate level on Items 2, 3, 4, and 5 of the Project Selection Criteria established by the Department.

The proposed regulation will provide legal and policy guidance which the Department believes is necessary to assure that applications for community development assistance fully conform with the requirements and purposes of the applicable provisions of the Housing and Community Development Act of 1974. Accordingly, it has been determined that the proposed regulation should be applied, so far as possible, to applications for second year funding under title I of the Housing and Community Development Act of 1974. Because these applications are already being received and must under the law be acted upon without delay, and because of the necessity of scheduling all applications in a way that will allow reasonable opportunity for orderly processing within Departmental administrative capabilities, it is thus essential that the proposed regulation be made effective as soon as possible. Accordingly, it has been determined to be impracticable to allow the 30 days for public comment normally contemplated under applicable Department regulations. At the same time, however, the Department wishes to provide the maximum opportunity for comment that is consistent with the objective of permitting most applicants for second year funding to prepare their applications on the basis of amended regulations providing guidance. Therefore, the Department has determined to allow interested persons 15 days to submit comments on the proposed regulation.

Comments should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All relevant material received on or before January 30, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of these proposed amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 CFR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. It is hereby certified that the economic and inflation impacts of these proposed amendments have been carefully evaluated in accordance with OMB Circular No. A-107.

In consideration of the foregoing, it is proposed to amend 24 CFR Part 570.303(c) as follows:

§ 570.303 Application requirements.

* * * * *

(c) *Housing Assistance Plan.* The application shall contain a housing assistance plan which:

(1) Accurately surveys the condition of the housing stock in the community. The applicant shall present in summary form, by tenure type (owner and renter), a description of housing conditions by number of units in standard condition and in substandard condition, and if a housing rehabilitation program is proposed in the goals set forth in paragraph (c)(3) of this section the number of units in standard and substandard condition which are suitable for rehabilitation, and in each case distinguishing the numbers which are occupied and which are vacant. The applicant also shall provide information with respect to the numbers of occupied and vacant low-rent public housing and HUD-insured subsidized multifamily housing units in the community, descriptions of neighborhood conditions and service needs adversely affecting low-rent public housing and HUD-insured multifamily housing units in the community, and information with respect to the condition of low-rent public housing in the community.

(2) Estimates the housing assistance needs of lower-income persons, including households displaced or to be displaced during the program year, either resid-

ing in the community or expected to reside in the community as a result of existing or planned employment facilities, by household types (lower-income households which are elderly and/or handicapped, families, and large families). The assessment of housing assistance needs of lower-income households shall take into consideration and summarize any special needs found to exist in any identifiable segment of the total group of lower-income households in the community.

(i) The assessment of households expected to reside in the community shall be derived from generally available data utilizing statistically valid methods of assessment developed by the applicant and acceptable to HUD. In developing estimates of the number of households expected to reside in the community, the applicant shall address the following:

(A) The number of lower-income families with workers expected to be employed in the community as a result of known commercial, industrial, or service employment to be generated by new or expanded development. This estimate shall be derived by estimating the number of lower-income families with workers expected to be employed in the community as a result of new employment opportunities to be available in the community. Sources of information include approved development plans, building permits, and awards of significant contracts.

(B) The number of lower-income families with workers already employed in the locality, but living elsewhere, who could reasonably be expected to reside in the community if housing they could afford were available. Applicants shall estimate the number of lower-income families with workers already employed, but not residing in the community. The estimate of households requiring assistance shall, at a minimum, reflect the metropolitan average percentage in communities of comparable size (e.g., 50,000 or more; 20,000 to 50,000) of lower-income workers who live in the community in which they work, since not all households with workers employed in the community, who could live in the community if affordable housing were available, would reasonably be expected to do so.

(ii) The estimate may give consideration to the burdens upon lower-income workers who must commute long distances to employment centers within the applicant community, since such burdens may indicate that a higher proportion of lower-income workers would choose to live in the applicant community if affordable housing were available.

(iii) The estimate of households expected to reside in the community may be reduced by the number of sale and rental units that are, or will be, available in the community within a three-year period at current prices and gross rents which lower-income families could afford without paying more than 25 percent of income for shelter, since that number of units will be available without subsidy.

(iv) Where a housing needs assessment has been prepared by an areawide or state planning agency, and the housing needs assessment includes consideration of the above factors, the applicant is encouraged to utilize the areawide or state assessment to fulfill the expected to reside assessment requirement.

(v) Estimates of the housing assistance needs of households expected to reside in the applicant community may be qualified by evidence, acceptable to HUD, that the applicant community does not have the physicial capacity to accommodate housing inventory growth.

(v) In assessing the housing assistance needs of lower-income households working, but not residing in the applicant community, the applicant may conduct a survey of the preferences of such workers. A survey shall, at a minimum, assess the locational preferences of lower-income workers, assuming the availability of housing they can afford; their commuting time and distance; household size; and race.

(vi) Where an entitlement applicant has no data generally available to estimate the housing assistance needs of households expected to reside in the community, and has made no prior commitment to HUD to identify an appropriate estimate of such needs by the time of its second year submission, the applicant shall submit its best estimate of the number of households expected to reside in the community and shall submit, with its second year block grant application, a work program with a specific timetable, to produce the required information before its third year submission. The work program may include plans to survey the preferences of workers who are employed but are not residing in the applicant community.

(3) Specifies a realistic annual goal and also a three year goal for the number of dwelling units or persons to be assisted, including the relative proportion of new, rehabilitated and existing dwelling units, and the sizes and types of housing projects and assistance best suited to the needs of lower-income persons in the community. These statements of the annual goal and three year goal for assisted dwelling units shall take into consideration the housing conditions and needs summarized pursuant to paragraph (c)(1) of this section with respect to the availability of existing units of standard quality and units suitable for rehabilitation.

(i) Applicant communities with an adequate rental housing vacancy rate in the metropolitan area, or county group for which a fair market rent schedule has been published, which plan to use the Section 8 Housing Assistance Payments programs authorized under the U.S. Housing Act of 1937, as amended (24 CFR Parts 880–883), shall be expected to establish housing assistance goals which exclude new construction and which emphasize the preservation, rehabilitation and use of the existing housing stock. A rental vacancy rate of six percent for non-seasonal and available rental units will be considered adequate except in localities experiencing very little growth, in which case a vacancy rate lower than six percent may be deemed adequate. Communities which have a less than adequate rental vacancy rate should plan a mix of new, rehabilitated and existing housing which utilizes existing housing to the extent it is feasible. Rehabilitation programs which are integrated parts of neighborhood renewal strategies are appropriate in communities with a housing stock suitable for rehabilitation regardless of the rental vacancy rate.

(ii) Plans for use of Section 8 new construction may be approved in communities with adequate vacancy rates to the extent that the community can demonstrate that the available housing assistance resources cannot be used in programs emphasizing use of the existing housing stock or that the housing assistance needs of one or more household types cannot be met by such programs. Such a demonstration shall include data indicating the extent to which conditions such as the following prevail:

(A) A substantial portion of the total number of lower-income households which could be assisted with the Section 8 funds available are living in units which do not meet the housing quality requirements of the Section 8 Existing Housing program and there are not sufficient vacant units within the price limitations and quality requirements of the program to accommodate them.

(B) Vacancies are unduly concentrated in unit sizes or structure types which are not appropriate to the housing needs of one or more types of lower-income households (such as elderly or large families), necessitating construction of appropriate units.

(C) Current household growth is absorbing available vacant units at a sufficiently rapid rate to indicate that a currently adequate vacancy rate will decrease rapidly in the near future.

(iii) HUD field offices will advise applicants, upon request, of housing assistance resources available to field office jurisdictions pursuant to section 213(d) of the Housing and Community Development Act of 1974 prior to submission of the housing assistance plan by the locality.

(iv) The three year total housing assistance goal shall address the needs of the three household types (elderly and/or handicapped, families, and large families) generally in proportion to the percentage of the total lower-income housing needs identified pursuant to paragraph (c)(2) of this section, represented by that household type. The percent represented by any household type may be adjusted downward by as much as ten percentage points, but in no event by more than one-fourth of the category's total percent.

(v) Where substantial housing needs are identified pursuant to paragraph (c)(2) of this section, and housing resources are available, the Secretary may determine that HAPs with only minimal housing goals are plainly inappropriate

to meeting the needs pursuant to the standards of review in § 570.306(b).

(4) Indicates the general locations, by census tract (or enumeration districts in those jurisdictions where a census tract includes a substantial area, such as an entire community) of proposed new housing construction units or projects and substantial rehabilitation units or projects for lower-income persons on maps as called for in paragraph (b)(2) of this section, consistent with the following objectives:

(i) Furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible.

(ii) Promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of low-income persons.

(iii) Assuring the availability of public facilities and services adequate to serve proposed housing projects.

General locations for projects proposed for Section 8 assistance shall conform to the site and neighborhood standards established for the new construction program (24 CFR Part 880) or for the substantial rehabilitation program (24 CFR Part 881); and general locations for housing proposed for Section 235 assistance shall meet at least the adequate level on Items 2, 3, 4, and 5 of the Project Selection Criteria (24 CFR Part 200).

Dated: January 9, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-1152 Filed 1-9-76;5:00 pm]

federal register

THURSDAY, JANUARY 15, 1976



PART V:

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education

■

BILINGUAL VOCATIONAL TRAINING PROGRAM

Proposed Amendments

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

BILINGUAL VOCATIONAL TRAINING

Proposed Rulemaking

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 4, 1975; final regulations were published on April 30, 1975 prescribing certain policies and requirements for criteria in determining priorities for eligible projects.

Pursuant to the authority contained in sections 191 through 197 of the Vocational Education Act of 1963, as amended (20 U.S.C. 1393 through 1393f), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, and the Secretary of Labor, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations, revising Appendix D to read as set forth below. The proposed and revised Appendix D would contain new priorities and criteria for selection of applications under the program of support for Bilingual Vocational Training Projects for fiscal year 1976. Certain technical changes in the regulations governing Subpart E of 45 CFR Part 103 (§§ 103.41 through 103.46) are also proposed.

(a) *Program purpose.* Section 191 through 197 of the Vocational Education Act of 1963, as amended (20 U.S.C. 1393 through 1393f), provides that the Commissioner of Education may award grants and contracts to eligible applicants in order to develop Bilingual Vocational Training Programs. The available funds will serve a dual purpose: (1) To make available new bilingual vocational training programs to persons of limited English-speaking ability; and (2) assist such persons in their pursuit of occupational categories vital to both the persons and the economy. The grants and contracts will be awarded by the U.S. Commissioner of Education in accordance with the criteria established by him. Eligible applicants include local educational agencies, appropriate State agencies, postsecondary educational institutions, private nonprofit vocational training institutions and nonprofit organizations especially created to serve a group whose language as normally used is other than English, and private for-profit agencies and organizations. Private for-profit agencies and organizations are only eligible for contracts.

(b) *Regulations.* Regulations relating to the administration of the Bilingual Vocational Training Program under Part J of the Vocational Education Act of 1963, as amended, are contained in 45 CFR 103.41–46, published in the FEDERAL REGISTER on April 30, 1975 at 40 FR 18787. Certain minor changes are proposed in these regulations in order to respond to queries raised under the program during fiscal year 1975.

First, § 103.42(c) would be amended to provide that applicants may waive training allowances for participants in the Bilingual Vocational Training Program. The purpose of this proposed addition to § 103.42(c) is to respond to the numerous questions raised by applicants as to whether the training allowances are mandated by the governing legislation.

Secondly, § 103.43(a)(2) would be amended to read "appropriate State agencies" rather than "State educational agencies." The proposed change reflects the language of the statute (section 194) and would expand the eligibility of applicants to cover any State agency which could provide a Bilingual Vocational Training Program to serve a group whose language as normally used is other than English.

The definition of "Bilingual Vocational Training" set forth in § 103.3 includes a component for "the training of persons engaged as, or preparing to become, instructors in a bilingual vocational training program." All references to teacher training in section 531 of Senate Bill 1539, however, were deleted in the final version of Part J, as reported out of conference and as enacted in the Education Amendments of 1974, Pub. L. 93–380. Therefore, it is proposed to delete this teacher training component in the definition of "Bilingual Vocational Training." In addition, the word "or" would follow the word "professional" in the clause reading "to be generally considered professional or which requires a baccalaureate or higher degree;" the word "or" was inadvertently omitted from the definition.

(c) *Criteria.* First, in § 103.46, Appendix D, program priorities (b) and (c) are consolidated into (1) which reads "Serve persons who are unable to secure gainful employment suited to their needs, interests, and abilities because they are of limited English-speaking ability;". The purpose of the consolidation is to emphasize the interrelationship of the priorities and to reflect the characteristics of the population to be served as defined in the legislation. Program priority (3) is added because applications were received during fiscal year 1975 which offered training in areas in which there were limited opportunities for employment. Priority will be given to proposed programs offering training in areas in which there are employment opportunities, and this is emphasized in (3) which reads "Provide training which will increase trainees' opportunities for acquiring employment."

Secondly, changes in the maximum scores given to the criteria are proposed. Personnel is given a maximum score of 25 for the essential element in a training program is the instruction provided to trainees, and the program will be only as successful as the training which is offered. Budget is given a maximum score of 25; some applications which were received during fiscal year 1975 were rated high substantively but were low in terms of cost effectiveness. The modification is proposed to emphasize that the cost per student should be reasonable in relation to anticipated results.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions or objections regarding this proposed amendment to the Division of Research and Demonstration, U.S. Office of Education, Regional Office Building Three, Room 5042, 7th & D Streets, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above address on Monday through Friday between 8:30 a.m. and 4:00 p.m. All relevant materials must be received on or before February 17, 1976.

Dated: September 25, 1975.

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

Approved: November 19, 1975.

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

Approved: January 9, 1976.

JOHN T. DUNLOP,
Secretary of Labor.

(Catalog of Federal Domestic Assistance Program Number 13.558; Bilingual Vocational Training)

1. § 103.1 would be revised to read as follows:

§ 103.1 Applicability.

The regulations to this part apply to grants and contracts made by the U.S. Commissioner of Education for research and training programs under section 131(a) of Part C, for exemplary programs and projects under section 142(c) of Part D, for curriculum development programs under section 189 of Part I, and for bilingual vocational training under section 191 of Part J of the Vocational Education Act of 1963, as amended.

2. Two new definitions are added to § 103.3 to read as follows:

§ 103.3 Definitions.

* * * * *

"Biligual vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals of limited English-speaking ability for gainful employment as semiskilled or skilled workers or techicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies, by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; bilingual vocational training includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; travel of students and vocational training personnel while engaged in a bilingual vocational training

program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(20 U.S.C. 1248(14)

* * * * *

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated or left elementary or secondary school.

(20 U.S.C. 1248(15))

3. A new Subpart E is added to read as follows:

Subpart E—Bilingual Vocational Training

Sec.
103.41 Purpose.
103.42 Eligible programs and projects.
103.43 Eligible applicants.
103.44 Applications for grants or contracts.
103.45 Review of applications.
103.46 Criteria.

Subpart E—Bilingual Vocational Training

§ 103.41 Purpose.

In order to insure that vocational training programs are available to persons in all communities of the United States whose language as normally used is other than English, and in order to find new ways to assist such persons to fill the critical need for more and better trained personnel in occupational categories vital to both the persons and the economy, funds available to the Commissioner pursuant to Part J of the Act may be used for making grants or contracts for bilingual vocational training programs.

(20 U.S.C. 1393)

§ 103.42 Eligible programs and projects.

Funds available under section 193 of Part J of the Act may be used by the Commissioner to award grants or contracts for the cost of developing and operating programs or projects designed to carry out the purpose set forth in § 103.41 in an amount equal to the total sums expended by the applicant for the purposes set forth in that application. Such programs include:

(a) Bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training programs by the agencies and institutions enumerated in § 103.43;

(b) Bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(c) Training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as set forth in the Department of Labor Regulations 29 CFR § 95.34. Applicants may waive training allowances.

(20 U.S.C. 1393(d))

§ 103.43 Eligible applicants.

(a) The following categories of agencies or institutions are eligible for grants or contracts under this subpart:

(1) Local educational agencies;

(2) Appropriate State agencies;

(3) Postsecondary educational institutions;

(4) Private nonprofit voational training institutions; and

(5) Nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English.

(b) Private for-profit agencies. (These agencies and institutions are eligible only for contracts.)

(20 U.S.C. 1393(c))

§ 103.44 Applications for grants or contracts.

(a) All applications shall be submitted to the Commissioner through the State board and shall include the comments of the State board.

(b) Each application shall:

(1) Provide that the activities and services for which assistance under this part is sought will be administered by or be under the supervision of the applicant; and

(2) Set forth a program of such size, scope and design as will make a substantial contribution toward carrying out the programs described in § 103.42.

(20 U.S.C. 1393(e))

§ 103.45 Review of applications.

(a) The Commissioner of Education will not approve any application for a grant or contract under this subpart until:

(1) Such application has been reviewed in accordance with such procedures as the Commissioner may establish; and

(2) Such review will take into account the requirements set forth in § 103.44 (b)).

(b) Where feasible the Commissioner should consult with the State board to achieve equitable distribution of assistance in the State.

(20 U.S.C. 1393(f))

§ 103.46 Criteria.

Criteria for the selection of applicants shall be those set forth in § 100a.26(b) of this chapter and those in Appendix D to this part.

APPENDIX D—BILINGUAL VOCATIONAL TRAINING PROGRAMS CRITERIA FOR FISCAL YEAR 1976

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank highest on the basis of the criteria in the Office of Education's General Provisions Regulations (45 CFR 100a26(b)) together with the additional criteria in this Appendix. Certain points will be given to applications which propose programs in the priority areas described below.

A. *Program Priority.* Priority will be given to bilingual vocational training programs or projects which:

(1) Serve persons who are unable to secure gainful employment suited to their needs, interests, and abilities because they are of limited English-speaking ability;

(2) Serve persons who have left or completed elementary or secondary school; and

(3) Provide training which will increase trainees' opportunities for acquiring skilled employment.

B. *Application review criteria.* Criteria will be utilized by the reviewers in reviewing formally transmitted applications. These criteria are consistent with § 100.26, Review of Applications, in the Office of Education's General Provisions Regulations, published on November 6, 1973 at 39 FR 30654 (45 CFR 100.26(b)). Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria:	*Maximum score*
(1) *Priority area and need*—Application is focused on the announced priority area, clearly defines the needs for proposed project, and delineates the bilingual vocational training required to be responsive to the stated need.	
(2) *Objectives*—The objectives of the proposed project or program are sharply defined, clearly stated, and capable of being attained.	10
(3) *Plan*—The application clearly describes the general scope and design for the training program. The procedures specify in detail how each objective will be accomplished, and describe the adequate project management plan. Provisions are made for adequate evaluation of the program, and where appropriate, for satisfactory inservice training.	
(4) *Personnel*—The qualifications and experience of both administrative and instructional personnel are appropriate for the proposed program.	25
(5) *Institutional commitment*—The application shows reasonable evidence of commitment to provide adequate curriculum, facilities, equipment and space, and provides documented assurance of support from cooperating institutions and agencies when necessary for program success.	10
(6) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project or program are reasonable.	25

(Information concerning the average cost per trainee should be provided.)

[FR Doc.76-1221 Filed 1-14-76;8:45 am]

federal register

THURSDAY, JANUARY 15, 1976



PART VI:

ENVIRONMENTAL PROTECTION AGENCY

■

PROCUREMENT OF PRODUCTS THAT CONTAIN RECYCLED MATERIAL AND RESOURCE RECOVERY FACILITIES

Guidelines for Federal Agencies

Title 40—Protection of Environment

[FRL 451-5]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 247—GUIDELINES FOR PROCUREMENT OF PRODUCTS THAT CONTAIN RECYCLED MATERIAL

Increased Usage of Recycled Materials in Products Purchased by Federal Agencies

These guidelines are intended to increase usage of recycled materials in products purchased by Federal agencies. The increased usage of recycled materials will act to conserve virgin natural resources, reduce solid waste generation, and conserve energy used in the manufacturing of those products. Increased demand for recycled materials will improve the marketability of such material and improve the economic viability of resource recovery from solid waste.

The direct market creation effect of Federal purchasing of waste-based products would probably be small when considered in the aggregate. Although the Federal Government is a large single consumer, Federal expenditures only represent a small fraction of combined industrial, commercial, and personal expenditures in most areas. However, Federal procurement specifications and procurement practices are widely circulated and duplicated by State and local governments and some industries. Therefore, modification of Federal procurement practices could result in more widespread utilization of recycled materials in other sectors as well. Moreover, Federal purchasing may well have a significant impact on recycled materials demand in localized markets.

These guidelines will attempt to stimulate the use of recycled material by: (1) recommending the removal of restrictions that prevent greater use of recycled material in products; (2) recommending recycled material to be included in products; (3) ascertaining that performance criteria established for products are not overly restrictive and do not arbitrarily exclude recycled material; and (4) recommending that the components of recycled material that are the most difficult to market, i.e., post consumer waste, receive the greatest stimulus.

The Guidelines are being promulgated under the Administrator's inherent authority to issue advisory, nonprescriptive guidelines which, in his view, further the broad intents and purposes of the Solid Waste Disposal Act of 1965 (Public Law 89-272) as amended. Compliance with the guidelines is voluntary. It is EPA's intent to revise these guidelines from time to time.

Background. The use of Federal leverage as a tool to stimulate demand for recycled materials has been cited in several authoritative sources. Section 205 of the Solid Waste Disposal Act, as amended, mandated the Administrator to

> carry out an investigation and study to determine * * *
>
> (4) the use of Federal procurement to develop market demand for recovered resources * * *

Section 101(b)(6) of the National Environmental Policy Act of 1969 mandated the Federal Government to:

> * * * use all practicable means consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may * * *
>
> (6) enhance the quality of renewable resources and approach the maximum obtainable recycling of depletable resources.

Chapter 4D.6 and 4D.7 of the final report of the National Commission on Materials Policy recommended that:

> * * * the Federal Government exercise leadership by using its purchasing power to provide a market for products made from recycled materials.
>
> * * * the Federal Government help reduce the flow of solid waste by establishing, within Federal purchasing departments, performance standards rather than composition standards that discriminate against secondary materials.

The following studies were carried out in compliance with Section 205(a)(4) of the Solid Waste Disposal Act as amended: *Can Federal Procurement Practices Be Used to Reduce Solid Waste,* Arthur D. Little, Inc., Cambridge, Massachusetts; *Study of the Feasibility of Requiring Secondary Materials in Federal Construction,* Resource Planning Associates, Inc. Cambridge, Massachusetts and *Study of the Feasibility of Federal Procurement of Fuels from Solid Waste,* Arthur D. Little, Inc., Cambridge, Massachusetts. The data in these studies along with the recommendations of the National Environmental Policy Act and of the National Commission on Materials Policy cited above were analyzed to determine the policies, procedures, and restrictions that prevent increased use of recycled materials. One significant finding was that, in general, purchasing specifications constitute a barrier to increased resource recovery because recycled materials are often excluded. EPA also analyzed markets for recycled materials and found that such markets could be stimulated by increasing demand for recycled materials through the specification of recycled materials content in products.

In addition, the President, in his 1971 Environmental Message to Congress, directed the General Services Administration to purchase paper that contained recycled material. The program instituted by the General Services Administration resulted in the widescale use of recycled fiber in Federally purchased products and acted to increase the demand for recycled paper. These guidelines are an extension of the General Services Administration program and they are intended to stimulate the demand for other recycled materials in much the same way.

Contents of the Guidelines. These guidelines recommend the inclusion of a certain percentage of recycled material in products purchased by the Federal Government, and that the maximum practicable level of recycled material content be specified. These guidelines do not suggest that specification drafters or procurement officials undertake massive testing programs, but rather that they use the existing data available from industry, standards and testing institutions, governmental agencies, and other sources to determine applicable products and attainable levels of recycled materials content. As more data becomes available, more specifications can be modified.

In specifying maximum attainable levels, agencies should consider (a) product performance characteristics, (b) recycled material supplies, and (c) material and product costs. In addition, it may be impractical for specifications to list the recycled material content in every component of a multi-component or multi-materials product or for other products, because their specification of recycled material content of these products would not be appropriate. However, there are a large number of Federally purchased products for which specification of recycled material content could readily be implemented.

These guidelines make no distinction between real property and personal property. In addition to products procured as personal property, it is intended that these guidelines apply to the specifications used by agencies in the procurement of real property, the products used in the construction of real property and the products used in the maintenance and repair of real property.

The specifications that these guidelines refer to are those specifications for products that are developed and written by individuals within the Federal Government. The specifications may require specific materials or performance characteristics or may require both. Specifications that are used by Federal agencies but developed and written by individuals outside the Federal establishment (ASTM, ANSI, etc.) should not come under the auspices of these guidelines.

Costs. Practices recommended by the guidelines are expected to be no more costly than existing procurement practices in the long term. Implementation of the guidelines' recommendations may be economically impracticable under isolated circumstances, and it is assumed that under those circumstances the recommendations would not be followed.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A-107.

Response Requested. The EPA solicits comment on these guidelines. In that the material contained herein is a matter relating to non-prescriptive guidelines and that the persons who would have been

affected by these guidelines if they were mandatory have received actual notice of the guidelines, and have commented on these guidelines, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments in triplicate to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. Material thus submitted will be evaluated and will be considered prior to making any changes. Until such time as further changes are made, the provisions as set forth in these guidelines shall remain in effect.

Receipt of comments will be acknowledged, but the Deputy Assistant Administrator for Solid Waste Management Programs will not provide substantive responses to individual comments. All comments will be available for public inspection at the Freedom of Information Center at EPA Headquarters, 401 M Street, S.W., Washington, D.C. during normal business hours.

Pursuant to the authority of the Administrator to issue advisory, nonprescriptive guidelines under the Solid Waste Disposal Act of 1965 (Pub. L. 89-272) as amended by the Resource Recovery Act of 1970 (Pub. L. 91-512), the following Part 247 is added to 40 CFR Chapter I.

Dated: January 9, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 247 is added to read as follows:

Subpart A—General Provisions

Sec.
247.100 Scope.
247.101 Definitions.

Subpart B—Recommended Procedures

247.200 Specifications.
247.200-1 Recommended procedures: specification review.
247.200-2 Recommended procedures: consultation.
247.201 Procurement.
247.201-1 Recommended procedures: procurement procedures.
247.202 Solid-waste-derived-fuel.
247.202-1 Recommended procedures: procurement of solid-waste-derived-fuel.

Subpart A—General Provisions

§ 247.100 Scope.

(a) Compliance with the procedures recommended in these guidelines is not mandatory for Federal agencies. These procedures are recommended to Federal, State, Interstate, Regional and Local Governments and private business and institutions for the review of specifications and the procurement of products.

(b) These guidelines recommend procedures that can bring about the increased use of recycled material in personal and real property procured by Federal agencies if the recommendations contained herein are adopted by parties preparing specifications for products to be procured and by parties purchasing these products.

(c) The "Recommended Procedures" contained herein delineate actions that Federal agencies should use to ascertain that the specifications they are responsible for, and the procurement actions that they take, will bring about the increased use of recycled material.

(d) These guidelines should be applicable to all Agencies that draft specifications for products or procure products using those specifications, or both. Agencies that procure products using specifications that are formulated by the Federal Government should procure those products using the recommendations contained in these guidelines at all levels of procurement. These guidelines should also apply to products procured by contractors when the controlling agency drafts the specifications used by the contractor. These guidelines should not be applied to the procurement of products that are purchased using specifications that are not drafted by Federal agencies.

(e) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to Section 3(d)1 of Executive Order 11752.

§ 247.101 Definitions.

As used in these guidelines:

(a) "Fixed source" means, for the purpose of these guidelines, a stationary facility that converts fossil fuel into energy, such as steam, hot water, electricity, etc.

(b) "Material specification" means a specification that stipulates the use of certain materials to meet the necessary performance requirements.

(c) "Performance specification" means a specification that states the desired operation or function of a product but does not specify the materials from which the product must be constructed.

(d) "Personal property" means any property that is not real property and that is movable or not attached to the land. Personal property can be a single or multi-component or multi-material product.

(e) "Post consumer waste (PCW)" means a material or product that has served its intended use and has been discarded for disposal after passing through the hands of a final user. "Post consumer waste" is a part of the broader category, "Recycled material."

(f) "Real property" means any property that is immovable and attached to the land.

(g) "Recycled material" means a material that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from post consumer waste, industrial scrap, material derived from agricultural wastes and other items, all of which can be used in the manufacture of new products.

(h) "Responsible agency" means a department, agency, establishment or instrumentality of the executive branch of the Federal Government or the organizational element within such responsible agency that has the primary responsibility for procurement of materials or products or the preparation of specifications for the procurement of materials or products.

(i) "Solid waste" means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flow, or other common water pollutants.

(j) "Solid-waste-derived fuel" means a fuel that is produced from solid waste that can be used as a primary or supplementary fuel in conjunction with or in place of fossil fuels. The solid-waste-derived fuel can be in the form of raw (unprocessed) solid waste, shredded (or pulped) and classified solid waste, gas or oil derived from pyrolyzed solid waste, or gas derived from the biodegradation of solid waste.

(k) "Specification" means a clear and accurate description of the technical requirement for materials, products or services, which specifies the minimum requirement for quality and construction of materials and equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

(l) "Virgin material" means a raw material used in manufacturing that has been mined or harvested and has not yet become a product.

Subpart B—Recommended Procedures

§ 247.200 Specifications.

§ 247.200-1 Recommended procedures: specification review.

(a) All agencies that have the responsibility for drafting or reviewing specifications for products procured by the Federal Government should review those specifications and ascertain whether recycled materials are excluded from the specifications. All specifications with exclusions should be rewritten without the exclusion, unless performance standards would not be satisfied.

(b) Any statement in a specification that requires the product to be manufactured from virgin materials should be eliminated, unless performance standards would not be satisfied.

(c) All agencies should revise specifications used in purchasing personal and real property so that all specifications require the inclusion of recycled material to the maximum extent practicable.

(d) All specifications should be revised if the performance requirements are so stringent that they arbitrarily exclude products that contain the maxi-

mum practical amount of recycled materials.

(e) The review process should be completed at the next specification review or at the time of the next major procurement action.

(f) Specifications should require the recycled material contained in the products to be post-consumer waste whenever practicable or that the recycled material specified contain the highest percentage of post-consumer waste that is practicable.

(g) If the inclusion of recycled material to the maximum extent practicable as in paragraph 247.200–1(c) cannot be determined by the specification writer, then the specification should encourage manufacturers to include recycled material to the maximum extent that will still allow the product to meet the performance standards required.

§ 247.200–2 Recommended procedures: consultation.

The determination of practicable percentages of recycled material to be contained in a product should be established by consultation with the Bureau of Standards of the U.S. Department of Commerce, American Society of Testing and Materials Engineers (ASTM), other appropriate groups who are involved with product performance standards, the U.S. Environmental Protection Agency, and through appropriate literature review and testing.

§ 247.201 Procurement.

§ 247.201–1 Recommended procedures: procurement procedures.

(a) Within the constraints of the specification recommendations stated in § 247.200–1 (a) through (g), and applicable Federal procurement laws and regulations procurement officials should give preference to the selection of products containing the highest percentage of recycled material.

(b) Procurement agents should require that vendors certify the recycled material content, specifically identifying the percentage of post consumer waste and other recycled material that is in the product. The certification should be in the form of a label on the product or a statement verified by the vendor attached to the bid documents.

(c) The certification on multi-component or multi-material products should verify the percentage of post consumer waste and recycled material contained in the major constituents of the product.

§ 247.202 Solid-waste-derived fuel.

§ 247.202–1 Recommended procedures: procurement of solid-waste-derived-fuel.

Agencies that generate heat, mechanical, and/or electrical energy from fixed source fossil fuel systems that have the technical capability of using solid-waste-derived-fuel as a primary or supplementary fuel should use solid-waste-derived-fuel to the maximum extent practicable.

[FR Doc.76-1241 Filed 1-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 451–4]

[40 CFR Part 245]

SOLID WASTE MANAGEMENT GUIDELINES

Resource Recovery Facilities

Background.—The Solid Waste Disposal Act of 1965 (Pub. L. 89–272) was amended in October 1970 by the Resource Recovery Act (Pub. L. 91–512). Section 209 of the amended Act requires the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), * * * ." Further, section 211 mandates that Federal agencies having jurisdiction over solid waste disposal activities "shall insure compliance with the guidelines recommended under section 209 and the purposes of [the Solid Waste Disposal Act] * * * ."

On August 14, 1974, "Thermal Processing and Land Disposal of Solid Waste Guidelines" were published in the FEDERAL REGISTER (39 FR 29328) as the first set of guidelines that were promulgated in fulfillment of the requirement for guidelines on disposal systems.

The EPA now proposes the following guidelines as part of the Agency's efforts to fulfill the Administrator's obligation for guidelines in the area of recovery systems. The EPA recognizes that section 209 expressly mandates that guidelines "shall be revised from time to time," and it intends to revise and supplement these guidelines in the future.

Section 211 of the Act and Executive Order 11752 make the "Requirements" section of the guidelines mandatory upon Federal agencies. The recommendatory sections of the guidelines present methods and techniques which amplify or supplement the mandatory requirements. In other words, the recommendatory sections contain desirable, but not essential, procedures useful for attaining the purposes of the Act.

As provided in section 211 of the Act and section 3(a) of Executive Order 11752, heads of Federal agencies are ultimately responsible for determining which facilities under their jurisdiction shall comply with the guidelines. Pursuant to its authority in section 3(a) of EO 11752, EPA has required that failure to comply with the guidelines must be justified in a report to the Administrator and the public. The specific requirements for such report can be found in the "Scope" section of the guideline.

Practices required by the guidelines are expected to be no more costly than existing solid waste management practices in the long term. Implementation of the guideline requirements may be economically impracticable under isolated circumstances. However, the legislative history indicates that even where guidelines implementation costs more, budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to manage solid waste properly as part of their normal operating expenses.

The economic and inflationary impacts of these guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A–107.

The legislative history concerning section 211 of the Resource Recovery Act of 1970 indicates that the Congress intended that Federal agencies should take a leadership role in solid waste management, as indicated by the following quote from page 15 of Senate Report No. 91–1034, Senate Committee on Public Works, 91st Congress, 2nd Session, (1970),

> Federal agencies are inclined to place important environmental quality control functions in a subordinate role to their mission. This is no longer appropriate or acceptable.
>
> Federal agencies which generate volumes of waste have a correlative responsibility to request appropriations from Congress necessary to properly manage such waste as part of their normal operating expenses. The public will not tolerate the excuse that budget restrictions prevent compliance with waste management standards and guidelines; it is abundantly clear that the provisions of the environmental control laws do not permit the same excuse to be advanced by individuals or private organizations. Federal agencies must take the lead in overcoming the reluctance to invest funds necessary to control solid waste pollution.

Each Federal agency carries out a wide variety of activities, each with associated policy and economic considerations. In view of these diverse situations, EPA cannot require agencies to carry out specific actions. Instead, the EPA is better equipped to set objectives in the guidelines, allowing each agency to determine for itself the means of accomplishing these objectives by utilizing information provided in the recommended procedures and in the recommended bibliography and by utilizing technical assistance provided by the EPA.

INTRODUCTION

Intent.—These guidelines are intended to provide requirements and recommended procedures for the establishment and utilization by Federal agencies of facilities to recover resources from residential, commercial, and institutional solid waste, and to recommend the establishment and utilization of these facilities to State, interstate, regional, and local governments. Utilization of these resource recovery facilities will result in conservation of resources and in a reduction in the amount of solid waste that requires disposal.

Technology.—There are several systems for recovering materials and energy from solid waste, and these are in various stages of development. The Environmental Protection Agency is participating in the full scale demonstration of several resource recovery technologies under the authority of section 208(a) of the Solid Waste Disposal Act, as amended. Many communities are designing and building systems patterned after these demonstrations. There is a significant amount of research, development, and system implementation in this field on the part of private industry, universities, States, municipalities, and the Federal Government. For detailed discussions of the technologies involved, see the recommended bibliography at the end of these guidelines.

These guidelines do not recommend specific technologies or systems for the recovery of materials or energy because no one system is best under all circumstances. Many different approaches to recovering the energy and materials value from solid waste are presently being examined in a wide variety of communities throughout the country. Not until the investigations recommended in these guidelines have been completed in a thorough manner can a community, jurisdiction, or other appropriate entity, considering its disposal and market situation, decide which method will be of greatest benefit. EPA is producing a Resource Recovery Implementation Guide that will assist agencies in determining the feasibility of implementing resource recovery, in making the system selection decision, in procuring the selected system, and in marketing the output products. This guide will be available before the final guidelines are published in the FEDERAL REGISTER.

Compatibility of Guidelines.—There is some overlap in the coverage between these guidelines for resource recovery facilities and the "Source Separation for Materials Recovery Guidelines" proposed by EPA on September 17, 1975 (40 FR pp. 42986–42990). Specifically, the newspaper, corrugated, and high grade papers could either be source separated for recycling or recovered as energy at a centralized resource recovery facility.

It is the intent of EPA that preference be given to the source separation of paper for recycling for the following reasons:

> (1) In general, the separation and recycling of high grade paper from offices and corrugated containers from commercial establishments will result in a net savings to the Federal Government.
>
> (2) It is desirable that the Federal Government take a leadership role in the demonstration of techniques for the source separation of paper. This is particularly important because increases in industrial capacity to use wastepaper have been constrained by the uncertainty of acquiring supplies of material from the waste stream.
>
> (3) Recycling of paper as a fiber results in greater energy savings than direct burning of paper for conversion into energy.

Following source separation of paper, the remaining wastes should be processed in centralized resource recovery facilities as required in these guidelines. Even with removal of these categories of paper, processing facilities for the remaining waste will generally be economically feasible.

If there are circumstances where significant cost savings over source separation and recycling of paper can be achieved by recovery of high grade papers, corrugated containers, or newspapers in centralized facilities or by con-

version of these materials into energy, then a Federal facility may choose this form of recovery instead of source separation. The analysis supporting this conclusion shall be made available to the Administrator.

Interpretation of Minimum Tonnage.—These guidelines require all Federal facilities that generate, collect, or dispose of 100 tons or more of solid waste per day to establish or utilize resource recovery facilities. It should be noted that this tonnage figure is intended to indicate the level above which the establishment of a resource recovery facility should be investigated. It is not the intent of these guidelines to require Federal agencies to build resource recovery facilities in unreasonably uneconomical situations. Federal facilities should attempt to utilize resource recovery facilities in adjacent communities whenever possible. Where this is not possible, it is the intent of the guidelines that a resource recovery facility be established by those Federal facilities that generate sufficient volumes of solid waste for this to be practicable.

Interpretation of Market Availability.—An exception to the requirement to establish or utilize a resource recovery facility may be made where markets for the recovered products are not available. In this context, "not available" means that the prices at which the products are sold, together with the cost of transporting the products to the market place, do not allow the resource recovery facility to be operated at a reasonable cost.

Determination of Economic Practicability.—The legislative history of the Solid Waste Disposal Act, as amended, indicates that it was the intent of Congress that Federal agencies should comply with resource recovery guidelines even when guidelines implementation costs are more than previous solid waste management practices. However, neither the law nor the legislative history indicate how much more cost is tolerable. It is not the intent of EPA that resource recovery systems be built in unreasonably uneconomical situations. Therefore, the guidelines state that an instance in which the costs of implementation are so high as to render compliance economically impracticable constitutes a valid reason for non-compliance. A resource recovery system cost of up to two times the cost of complying with the provisions of the "Thermal Processing and Land Disposal of Solid Waste Guidelines" (40 CFR 240 and 241) or up to two times the price paid for comparable service, if service is handled under contract, is suggested as a "benchmark" to use in judging whether or not to proceed into a resource recovery system.

Where current practices are not in compliance with 40 CFR 240 and 241, the Agency will naturally have to determine costs for compliance with 40 CFR 240 and 241 before it can judge the cost differential for a resource recovery system.

The precedent for incurring additional costs in order to accrue environmental benefits has been clearly established. Section 15(c)(1) of the Noise Control Act (Pub. L. 92–574) requires the procurement of certified low-noise-emission products in lieu of other products if the costs are no more than 125 percent higher. Sections 212G(e) (1) and (2) of the Clean Air Act (Pub. L. 91–604) require the procurement of certified low-emission vehicles in lieu of others if their cost is not more than 150 percent higher and authorize a premium of 200 percent in special instances.

Implementation in a Standard Metropolitan Statistical Area (SMSA).—The guidelines require the establishment or utilization of a single resource recovery facility by all Federal facilities in an SMSA if any one Federal facility in the SMSA generates 50 tons or more of residential, commercial, or institutional solid waste per day and if the total generation of such waste by Federal facilities in that SMSA is 100 tons per day or more. The use of the word "single" is not intended to preclude the establishment of more than one resource recovery facility to be utilized by all Federal facilities in the SMSA when this is the most practical alternative given facility waste generation rates and transportation distances.

Additionally, in an SMSA in which a decision has been made to establish a joint resource recovery project, all agencies within the SMSA should make an independent comparison between the costs of joining the project and the current disposal costs for their individual facilities in the SMSA. If an agency finds that the additional costs and energy usage for a particluar facility in the SMSA is unacceptable, that agency should make an independent judgment not to comply and should report that decision to the Administrator in accordance with § 245.-1.00(g).

Response Requested.—The EPA is soliciting comment and advice via this notification in the FEDERAL REGISTER. In particular, the EPA invites comments from Federal and non-Federal agencies.

In addition, the EPA invites public comments, reviews, and critiques of the guidelines. Interested parties may submit written comments ,preferably in triplicate, to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before February 17, 1976, will be considered.

Receipt of comments will be acknowledged by the Deputy Assistant Administrator for Solid Waste Management Programs. All comments will be available for public inspection at the Freedom of Information Center at EPA headquarters, 401 M Street, S.W., Washington, D.C. during normal business hours.

This notice of proposed guidelines is issued under the authority of section 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89–272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91–512).

It is proposed to add the following new Part 245 to 40 CFR Chapter I.

Dated: January 9, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 245 is proposed to read as set forth below:

PART 245—RESOURCE RECOVERY FACILITIES GUIDELINES

Subpart A—General Provisions

Sec.
245.100 Scope.
245.101 Definition.

Subpart B—Requirements and Recommended Procedures

245.200 Establishment of resoruces recovery facilities.
245.200–1 Requirements.
245.200–2 Recommended procedures: regionalization.
245.200–3 Recommended procedures: Market study.
245.200–4 Recommended procedures: Product recovered.
245.200–5 Recommended procedures: Planning and technology selection.

APPENDIX—Recommended bibliography.

Subpart A—General Provisions

§ 245.100 Scope.

(a) These guidelines are applicable to the recovery of resources from residential, commercial, and institutional solid waste. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(b) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for planning for and establishing resource recovery facilities. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of this guideline are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The "Recommended Procedures" sections are presented to suggest additional actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended Procedures" are not mandatory for Federal agencies.

(d) These guidelines apply to all Federal agencies that generate residential, commercial, or institutional solid waste.

(e) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to section 3(d)1 of Executive Order 11752.

(f) Within one year after the final promulgation of these guidelines, agencies shall make a determination as to what actions shall be taken to comply with the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(g) Federal agencies that make the determination not to comply with the requirements contained herein, for whatever reason, shall make available to the Administrator the analysis and rationale

used in making that determination. The Administrator may publish notice of the availability of this report in the FEDERAL REGISTER. The following are considered to be valid reasons for non-compliance under individual facts and circumstances: (1) Costs so high as to render compliance economically impracticable; and (2) inability to sell the recovered products due to lack of market.

(i) The following points are to be covered in this analysis:

(*a*) A description of ongoing actions that will be continued and actions taken or proposed that will not be in compliance with these guidelines. This statement should identify all agency facilities that will be affected by actions not in compliance with the guidelines including a brief description of how these facilities will be affected.

(*b*) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(*c*) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations utilized in arriving at this determination.

In covering the points above, agencies should make every effort to present the information succinctly and in a form easily understood but in sufficient detail so as to give the Administrator and the public an understanding of the factors influencing the decision not to comply with the guidelines.

(ii) This report shall be submitted to the Administrator as soon as possible after a final agency determination has been made not to comply with these guidelines, but in no case later than sixty days after the determination not to comply. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's noncompliance decision, including his reasons.

(iii) Implementation of actions not in compliance with these guidelines shall be deferred for 60 days, where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the report.

(iv) It is recommended that where the noncompliance report concerns an action for which an Environmental Impact Statement is required by the National Environmental Policy Act, that the report be circulated simultaneously with the EIS.

§ 245.101 Definitions.

As used in these guidelines:

(a) "Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops.

(b) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other such non-manufacturing activities, and non-processing waste generated at industrial facilities such as office and packing wastes.

(c) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

(d) "Federal facility" means any building, installation, structure, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, and U.S. Government installations located on foreign soil are not considered "Federal facilities" for the purpose of these guidelines.

(e) "Food waste" means animal and vegetable residues resulting from the handling, storage, sale, preparation, cooking, and serving of foods; commonly called garbage.

(f) "Generation" means the act or process of producing solid waste.

(g) "Hazardous wastes" means any waste or combination of waste which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects.

(h) "Industrial solid waste" means solid waste that results from industrial processes and manufacturing.

(i) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(j) "Institutional solid waste" means solid wastes originating from educational, health care, correctional, and other such facilities.

(k) "Mining wastes" means residues which result from the extraction of raw materials from the earth.

(l) "Pyrolytic gas and oil" means gas or liquid products that possess usable heating value that are recovered from the heating of organic material (such as that found in solid waste), usually in an essentially oxygen-free atmosphere.

(m) "Recoverable resources" means materials that still have useful physical or chemical properties after serving their original purpose and can, therefore, be reused or recycled for the same or other purposes.

(n) "Recovery" means the process of obtaining materials or energy resources from solid waste.

(o) "Recycled material" means a material that is utilized in place of a primary, raw, or virgin material in manufacturing a product.

(p) "Recycling" means the process by which recovered materials are transformed into new products.

(q) "Residential solid waste" means the garbage, rubbish, trash, and other solid waste resulting from the normal activities of households.

(r) "Resource recovery facility" means any physical plant that processes residential, commercial, or institutional solid wastes biologically, chemically, or physically, and recovers useful products, such as shredded fuel, combustible oil or gas, steam, metal, glass, etc. for recycling, and which creates a relatively inert process residue for disposal.

(s) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows or other common water pollutants.

(t) "Solid waste" as defined in the Solid Waste Disposal Act, as amended, "means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agriculture operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flow or other common water pollutants." However, unless specifically noted otherwise, the term "solid waste" as used in these guidelines shall not include mining, agricultural and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(u) "Tons per day" means annual tonnage averaged over a 260 day period.

Subpart B—Requirements and Recommended Procedures

§ 245.200 Establishment of resource recovery facilities.

§ 245.200–1 Requirements.

(a) A Federal facility that generates, collects, or disposes of 100 tons or more per day of residential, commercial, or institutional solid waste shall establish and/or utilize resource recovery facilities to separate and recover materials or energy or both from this solid waste.

(b) If any one Federal facility within a Standard Metropolitan Statistical Area (SMSA) generates 50 tons or more of residential, commercial, or institutional solid waste per day, and if the combined total of this solid waste for all Federal facilities within the SMSA is 100 tons or more per day, all Federal facilities within that SMSA shall establish and/or utilize a single resource recovery facility to separate and recover materials or energy or both from this solid waste. The agency that generates the largest quantity of residential, commercial, and institutional solid waste in the SMSA

shall be designated the lead agency in the resource recovery facility planning process. The lead agency shall be responsible for planning, organizing, and managing the joint resource recovery activities of the agencies in the SMSA, and shall report the compliance decision of the agencies in the SMSA in accordance with § 245.100 (f) or (g), as appropriate, in a consolidated report. All other agencies in the SMSA shall assist in planning such resource recovery activities. The use of the word "single" in this paragraph is not intended to preclude the establishment of more than one resource recovery facility to be utilized by all Federal facilities in the SMSA when in the opinion of the participating agencies this is the most practical alternative given facility waste generation rates and transportation distances.

(c) Agencies shall consult with appropriate state and local agencies prior to initiation of market analysis and facility design and construction to determine what effects the project might have on local, regional, and state solid waste management plans for the area and to determine the extent of prior resource recovery planning for the area.

(d) Resource recovery facilities established as a result of these guidelines shall be designed with a capacity sufficient to process at least all of the residential, commercial, and institution solid waste generated by the Federal facilities that will utilize the resource recovery facility.

(e) Resource recovery facilities established as a result of these guidelines shall be designed to process at least 65 percent by wet weight of the input solid waste into recycled material, fuel, or energy. Stated conversely, the weight of the unmarketable residue shall be no more than 35 percent by wet weight of the input solid waste.

(f) Exceptions may be made to §§ 245.200–1 (a) and (b) when after appropriate analysis it is determined that markets for recovered products are not available or that the operating cost of the resource recovery system would be more than two times the cost of complying with the provisions of the "Land Disposal and Thermal Processing Guidelines" (40 CFR 240 and 241) or more than two times the price paid for comparable service, if service is handled under contract. This recommendation is suggested as a "benchmark" to use in judging whether or not to proceed into a resource recovery system.

(g) Agencies that make the determination not to comply with these guidelines must conduct the required analysis every three years and report the decision resulting from this analysis to the Administrator in accordance with § 245.100 (f) or (g), as appropriate.

§ 245.200–2 Recommended procedures: regionalization.

(a) Federal facilities within the same geographical area should agglomerate their solid waste and enter into joint resource recovery ventures with adjacent communities and Federal facilities in order to maximize economies of scale.

(b) If a community adjacent to a Federal facility operates a resource recovery facility, the Federal facility should utilize that resource recovery facility for its solid waste if the adjacent community is willing to accept the solid waste at a price no greater than the cost that the Federal facility would bear if it constructed its own facility.

§ 245.200–3 Recommended procedures: market study.

Preceding the selection of a specific resource recovery technology, an investigation of markets should be made and should include at a minimum:

(a) Identifying potential purchasers of recycled materials by locating the following within the Federal facility or within a reasonable distance.

(1) For ferrous metals: Scrap metal dealers; steel mills; detining companies; copper mining companies; foundaries; ferroalloy producers.

(2) For non-ferrous metals: Aluminum companies; scrap metal dealers; secondary smelters; non-ferrous metal processors.

(3) For paper: Paper stock dealers; paper manufacturing companies; roofing paper manufacturers and manufacturers of other construction materials which utilize paper.

(4) For glass: Glass container manufacturers; aggregate users (construction industry and road bed uses).

(5) For energy: Electric utilities; district heating utilities; industrial users of energy; Federally-owned or operated steam or steam-electric generators.

(b) Contacting buyers directly, and if possible presenting samples of the material similar to that which will be produced by the recovery facility. Determining the form, shape, quantity, or purity of recovered materials which the potential buyers require.

(c) Determining the price that the buyer will pay for the recovered material and how that price will vary; and the potential for a long term contract for the purchase of the material at a guaranteed minimum price.

§ 245.200–4 Recommended procedures: product recovered.

(a) At a minimum, markets and technologies relative to the following potential products from resource recovery systems should be evaluated.

(1) *Market Products*
(i) Ferrous metals
(ii) Glass
(iii) Non-ferrous metals
(iv) Paper fiber
(2) *Energy Products*
(i) Steam
(ii) Solid fuel
(iii) Pyrolytic gas
(iv) Pyrolytic oil
(v) Methane
(vi) Electricity

§ 245.200–5 Recommended procedures: planning and technology selection.

To determine the methods to be used for the recovery of resources from the solid waste, planning and analysis should proceed in a thorough and orderly manner. Planning and analysis should be conducted by members of the agency who are responsible for solid waste management and resource recovery or by the agency's designees who may be professional consultants with knowledge in solid waste and resource recovery. Planning and analysis should include as a minimum the following steps:

(a) Gathering of data on solid waste generation, including quantity, composition, seasonal fluctuation, and projected growth.

(b) Determination of present and projected costs for complying with the provisions of the "Thermal Processing and Land Disposal of Solid Waste Guidelines" and projected availability of sites for facilities.

(c) An analysis of available recovery technologies including: the extent to which technical feasibility has been proven in operations of pilot plant scale or larger, the physical and chemical characteristics of the products the various technologies produce, and the projected capital and operating costs for a plant of sufficient scale to process the waste quantities determined under § 245.200–5(a).

(d) In conjunction with the review of technologies, the markets for recycled materials should be evaluated in the manner described in § 245.200–3.

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