AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41–No.12
1–19–76
PAGES
2627–2803

federal register

MONDAY, JANUARY 19, 1976



highlights

TRADE PREFERENCES FOR DEVELOPING COUNTRIES
Presidential determination on eligibility of Somalia and Turkey 2627

OFFSHORE OIL AND GAS
Commerce/MA issues environmental impact statement on construction of drilling vessels 2659

SWIMMING POOL SLIDES
CPSC announces final safety standard 2741

COMMUNITY DEVELOPMENT
HUD amends rules on eligible activities in block grants program; effective 1–19–76 2765

INDIAN EDUCATION
HEW/OE sets closing dates for applications (2 documents) 2664

PROSPECTING PERMITS
Interior/BLM proposes rules on issuance of leases; comments by 2–18–76 2648

POPULATION
Commerce/Census Bureau publishes data from special censuses 2654

ENERGY
FEA lists applications for exception filed 12–24–75 to 1–2–76 2769
FPC issues notice on natural gas advance payments program 2775

FOOD ADDITIVES
FDA issues notices of petitions for use of calcium isostearate and n-decyl alcohol, acrylonitrile/styrene copolymer, and certain components of coatings (3 documents) 2663, 2664

BANKING
FDIC issues rule on remote service facilities; effective 1–19–76 2630

FRUIT–FLAVORS
Treasury/ATF amends rules to allow production of high proof concentrates; effective 3–1–76 2642

COTTON TEXTILES FROM SPAIN
CITA cancels export visa requirement; effective 1–9–76 2667

ITALIAN SAUSAGE
USDA establishes inspection standard; effective 12–31–76 2629

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Drawbridge operation regulations; Passaic River, N.J..... 58856; 12–19–75

DOT/FAA—Airworthiness directives; Bell Models 240B, 205A–1, and 212 Helicopters 57783, 57784; 12–12–75

Airworthiness directives; British Aircraft Corp. Viscount models 744, 745D and 810..... 58623; 12–18–75

Airworthiness directives; Hawker Siddeley Aviation Ltd. DH–104 Series. 58623; 12–18–75

Airworthiness directives; Pilatus Aircraft Limited model PC–6..... 58623; 12–18–75

Airworthiness directives; Societe Nationale Industrielle Aerospatiale Alouette II and Alouette III helicopters 58624; 12–18–75

Airworthiness directives; Societe Nationale Industrielle Aerospatiale model SA–341G "Gazelle" helicopter 58624; 12–18–75

HEW/FDA—New drugs; oral contraceptives patient labeling 48919; 10–20–75

Prescription drugs; reminder labeling and advertising.... 58794; 12–18–75

Labor—Indian manpower programs allowable Federal costs; new limitations thereon 58854; 12–19–75

NRC—Licensing of production and utilization facilities; change of terminology for "as low as practicable" limtis. 58847; 12–19–75

USDA/APHIS—Standard requirements; test procedures for live vaccines. 58626; 12–18–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

TREASURY NOTES
Treasury announces interest rate on Series D–1981 2651

FURS
FTC amends rules on artificially colored products; effective 1–19–76 2635

ANTIDUMPING
ITC to hold hearing 2–11–76 on butadiene acrylonitrile rubber from Japan 2694
ITC issues notice of determination on birch three-ply door skins from Japan 2690

DEPORTATION
Justice/INS proposes to amend rule on advance notice to aliens; comments by 2–20–76 2647

INCOME TAX
Treasury/IRS to hold hearing 3–11–76 on proposal to define multiemployer plan and plan administrator 2647
Treasury/IRS rules on accounting for long-term contracts and advance payments 2636

FEDERAL ELECTIONS
FEC publishes advisory opinion request; comments by 2–3–76 2801

MEETINGS—
Advisory Council on Historic Preservation, 2–4 and 2–5–76 2667
Commerce/DIBA: President's Export Council, 2–18 and 2–19–76 2655
Energy Programs Office: National Industrial Energy Council, 2–17 and 2–20–76 (2 documents) 2660
Travel Service: Travel Advisory Board, 2–17–76 2660
DOD/Army Corps of Engineers: Shoreline Erosion Advisory Panel, 2–18 through 2–20–76 2652
ERDA: High Energy Physics Advisory Panel, 2–11 and 2–12–76 2667
FPC: Finance–Technical Advisory Committee Study Subgroups on Financing, Financial Problems, Policy Options, Inflation, and Risks, 2–5–76 2687
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 2–3–76 2690
HEW/FDA: Advisory Committees, February 2660
OE: Advisory Council on Women's Educational Programs, 2–5 and 2–6–76 2665
Interior/BLM: Arizona Strip District Advisory Board, 2–19–76 2652
Labor/EDA: National Public Advisory Committee on Regional Economic Development, 2–19 and 2–20–76 2659
State: Advisory Committee on Transnational Enterprises, 2–5–76 2651
Government Advisory Committee on International Book and Library Programs, 2–12–76 2651
Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 2–11–76 2651
USDA/FS: Uinta National Forest Grazing Advisory Board, 2–26–76 2653
AMS: Shippers Advisory Committee, 2–3–76 2652

MEETING CHANGES
HEW/NIH: Biomedical Communications Study Section, Division of Research grants 2665
DOT/CG: Chemical Transportation Industry Advisory Committee, Task Group on Liquefied Gas Facilities 2666

contents

THE PRESIDENT

Memorandums
Somalia and Turkey; eligibility for trade preferences 2627

EXECUTIVE AGENCIES

ADVISORY COUNCIL ON HISTORICAL PRESERVATION
Notices
Meeting 2667

AGRICULTURAL MARKETING SERVICE
Notices
Meetings:
Shippers Advisory Committee 2652

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Forest Service; Soil Conservation Service.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Rules
Production of volatile fruit-flavor concentrates 2642

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Meat and poultry inspection, mandatory:
Italian sausage products, standard of composition 2629

ARMY DEPARTMENT
See Engineers Corps.

BONNEVILLE POWER ADMINISTRATION
Notices
Authority delegations:
Contracts Manager 2652

CENSUS BUREAU
Notices
Special censuses; results 2654

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Tourist Enterprises Corp. "ORBIS", et al 2667

COAST GUARD
Notices
Meetings:
Chemical Transportation Industry Advisory Committee, Task Group on Liquefied Gas Facilities 2666

COMMERCE DEPARTMENT
See also Census Bureau; Domestic and International Business Administration; Economic Development Administration; Energy Programs Office; Maritime Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles:
Spain 2667

COMMODITY CREDIT CORPORATION
Notices
Monthly sales list:
FY ending June 30, 1976 2652

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Rules

Community development block grants:
Eligible activities ... 2765

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Swimming pool slides; safety standards ... 2741

DEFENSE DEPARTMENT

See Engineers Corps.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty free entry:
Environmental Protection Agency ... 2656
National Institute of Health ... 2656
Roswell Park Memorial Institute et al ... 2656
St. John's Hospital et al ... 2655
University of California ... 2658
University of Minnesota ... 2658
Meetings:
President's Export Council ... 2655

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Meetings:
National Public Advisory Committee on Regional Economic Development ... 2659

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Indian education, special programs (2 documents) ... 2664
Meetings:
Advisory Council on Women's Educational Programs ... 2665

ENERGY PROGRAMS OFFICE

Notices

Meetings:
National Industrial Energy Council (2 documents) ... 2660

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Meetings:
High Energy Physics Advisory Panel ... 2667

ENGINEERS CORPS

Notices

Meetings:
Shoreline Erosion Advisory Panel ... 2652

ENVIRONMENTAL PROTECTION AGENCY

Notices

Marine sanitation device standards:
Lake George ... 2668
Pesticide chemicals, etc.; petitions:
E. I. du Pont de Nemours and Co ... 2671
Pesticide registration:
Applications (2 documents) ... 2668, 2671
Pesticides, specific exemptions and experimental use permits:
U.S. Borax Research Corp ... 2671

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directive:
Consolidated Aeronautics LA-4 and LA-4-200 ... 2631

Proposed Rules

Aircraft security ... 2650

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
International Record Carriers ... 2673
Jackson Television Corp. and Television Associates, Inc ... 2675
Public Service Enterprises, Inc ... 2678
Meetings:
WARC Advisory Committee for Private Microwave ... 2678

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Remote service facilities ... 2630

FEDERAL ELECTION COMMISSION

Notices

Advisory opinion requests ... 2801

FEDERAL ENERGY ADMINISTRATION

Notices

Exceptions and Appeals Office; cases filed ... 2769

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program; flood elevation determ Massachusetts ... 2645
National Flood Insurance Programs; special hazards map corrections:
Alabama ... 2645
North Carolina ... 2645
Virginia ... 2646

FEDERAL MARITIME COMMISSION

Notices

Complaints filed:
Bethlehem Steel Corp. v. Indiana Port Commission ... 2679
Inactive tariffs; intent to cancel ... 2679
Agreements filed:
Port of Oakland, et al ... 2680
Puerto Rico Ports Authority and Caribe Shipping Company, Inc ... 2680
Puerto Rico Ports Authority and Universal Shipping, Inc ... 2680

FEDERAL POWER COMMISSION

Notices

Gas exploration, development and production; accounting and rate treatment of advances ... 2775
Meetings:
National Gas Survey; Finance-Technical Advisory Committee Study Subgroups ... 2687
Hearings, etc.:
Alabama-Tennessee Natural Gas Co ... 2681
Cities Service Gas Co ... 2681
Cities Service Gas Co., et al ... 2686
Consumers Power Co ... 2681
El Paso Electric Co ... 2682
El Paso Natural Gas Co ... 2682
Exxon Corp., et al ... 2687
Granite State Gas Transmission, Inc ... 2683
Iowa Power & Light Co ... 2683
Kansas City Power & Light Co. (3 documents) ... 2683, 2684
North Penn Gas Co ... 2684
Pacific Power & Light Co ... 2684
Panhandle Eastern Pipe Line Co ... 2684
Public Service Company of Colorado ... 2685
Trancontinental Gas Pipe Line Corp ... 2685
Trunkline Gas Co ... 2685
Virginia Electric & Power Co ... 2685

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Citicorp ... 2687
First Lincolnwood Corp ... 2688
Flandreau Holding Co ... 2688
Gavic Services, Inc ... 2688
National Detroit Corp ... 2689
Nevada Brick and Tile Co ... 2689

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Colwell & Co., et al ... 2633
Magnetic Video Corp., et al ... 2634
Van Schaack & Co ... 2635
Fur Products Labeling Act; pointing, dyeing, bleaching or otherwise artificially coloring ... 2635

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs; authority to refuse or withdraw new application ... 2636
Food labeling and label declaration of ingredients requirements; correction ... 2636

Notices

Food additives; petitions filed or withdrawn:
Dow Chemical U.S.A ... 2663
Whittaker Coatings and Chemicals ... 2664
Witco Chemical Corp ... 2664
Meetings:
Advisory committees, February ... 2660

FOOD AND NUTRITION SERVICE

Proposed Rules

Summer food program for children ... 2650

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Callahan Planning Unit Multiple Use Plan ... 2653

Dixie National Forest Timber Management Plan ... 2653
Meadows Planning Unit ... 2653
Meetings:
Uinta National Forest Grazing Advisory Board ... 2653

GENERAL SERVICES ADMINISTRATION
Notices
Meetings:
Regional Public Advisory Panel and Engineering Services ... 2690

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration.
Notices
Authority delegations:
Assistant Secretary for Administration et al ... 2665
Director, Office of Procurement and Contracts et al ... 2666

IMMIGRATION AND NATURALIZATION SERVICE
Rules
Service records availability; change in fees; correction ... 2629
Proposed Rules
Immigration regulations:
Admission and deportation of aliens ... 2647

INTERIOR DEPARTMENT
See Bonneville Power Administration; Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules
Income taxes:
Accounting for long-term contracts and advance payments ... 2636
Imputed interest rates, correction ... 2642
Proposed Rules
Retirement plans; qualification determination ... 2647

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Birch three-ply door skins from Japan ... 2690
Butadiene acrylonitrile rubber ... 2694
Certain electronic printing calculators ... 2694

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Atchison, Topeka and Santa Fe Railway Co., et al ... 2644
Chicago, Rock Island and Pacific Railroad Co., et al ... 2644
Missouri Pacific Railroad Co., et al ... 2644
Substitution of stock cars for boxcars ... 2644
Notices
Abandonment of railroad services:
Burlington Northern, Inc ... 2709
Chesapeake and Ohio Railway Co ... 2710
Hearing assignments ... 2709
Motor carriers:
Irregular route property carriers; gateway elimination ... 2710
Temporary authority applications ... 2724

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LABOR DEPARTMENT
Notices
Ferrous bolt, nut, and screw industry; study ... 2707
Adjustment assistance:
Cohn's Clothing Company, Inc ... 2705
Crescent de Stasio, Inc ... 2706
Dino Clothing Company, Inc ... 2706
Hy-Grade Sportswear Company, Inc. and Hy-Grade Coat Company, Inc ... 2707
Mobil Oil Corp ... 2708
Red Bank Clothing Manufacturing Company, Inc ... 2708

LAND MANAGEMENT BUREAU
Proposed Rules
Leases; Prospecting permittees ... 2648
Notices
Meetings:
Arizona Strip District Advisory Board ... 2652

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 2696

MARITIME ADMINISTRATION
Notices
Environmental statements; availability, etc.:
Vessels engaged in offshore oil and gas drilling operations ... 2659

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Rules
Standards of conduct; acceptance of gifts, gratuities or entertainment ... 2631

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Motor vehicle safety standards; temporary exemption petitions:
Rohr Industries, Inc ... 2666

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Biomedical Communications Study Section, Division of Research Grants ... 2665

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Philadelphia Electric Co., et al ... 2694
Portland General Electric Co., et al ... 2695
Power Authority of the State of New York ... 2695

SECURITIES AND EXCHANGE COMMISSION
Notices
Self-regulatory organizations; proposed rule change:
National Clearing Corp ... 2702
Pacific Clearing Corp ... 2703
Stock Clearing Corp ... 2698
Hearings, etc.:
Canadian Javelin, Ltd ... 2696
Chicago Board Options Exchange, Inc ... 2697
Consolidated Gas Supply Corp ... 2697
Eastern Utilities Associates, et al ... 2696
O'Neil Fund ... 2701
Travelers Insurance Co., et al ... 2700

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
First American Investment Corp ... 2704
First Growth Capital, Inc ... 2705

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Oak Orchard Creek, New York ... 2654

STATE DEPARTMENT
Notices
Foreign passports; validity ... 2651
Meetings:
Advisory Committee on Transnational Enterprises ... 2651
Government Advisory Committee on International Book and Library Programs ... 2651
Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea ... 2651

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.
Notices
Notes, Treasury:
Series D–1981 ... 2651
Treasury Circular 1082; revision ... 2652

UNITED STATES TRAVEL SERVICE
Notices
Meetings:
Travel Advisory Board ... 2660

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

Memorandums:
Memorandum of November 10, 1975 2627

7 CFR

PROPOSED RULES:
225 2650

8 CFR

103 2629

PROPOSED RULES:
243 2647

9 CFR

317 2630
318 2630
319 2630

12 CFR

304 2630

14 CFR

39 2631
1207 2631

PROPOSED RULES:
121 2650
129 2650

16 CFR

13 (3 documents) 2633–2635
301 2635
1207 2742

21 CFR

1 2636
2 2636
102 2636

24 CFR

570 2766
1917 2645
1920 (3 documents) 2645, 2646

26 CFR

1 (2 documents) 2636, 2642

PROPOSED RULES:
1 2647

27 CFR

18 2642

43 CFR

PROPOSED RULES:
3520 2648

49 CFR

1033 (4 documents) 2644

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

1 CFR

Ch. 1 1
305 1868

3 CFR

PROCLAMATIONS:

3279 (Amended by Proc. 4412) 1047
4210 (See Proc. 4412) 1037
4335 (Revoked by Proc. 4410) 749
4341 (See Proc. 4412) 1037
4382 (See Proc. 4410) 749
4410 749
4411 1037
4412 1037

EXECUTIVE ORDERS:

11157 (Amended by EO 11897) 2071
11531 (Superseded by EO 11895) 1465
11647 (Amended by EO 11892) 751
11717 (Superseded in part by EO 11893) 751
11731 (Amended by EO 11892) 751
11846 (Amended by EO 11894) 1041
11861 (Amended by EO 11898) 1040
11867 (Superseded in part by EO 11893) 1040
11892 751
11893 1040
11894 1041
11895 1465
11896 2067
11897 2071
11898 2365

MEMORANDUMS:

Memorandum of Nov. 10, 1975 2627

4 CFR

20 ..... 2073, 2367

5 CFR

213 ..... 1467, 1577, 1737, 2073
930 2074

PROPOSED RULES:

2402 1400

7 CFR

52 2367
53 2371
226 2074
246 1743
250 1487
271 ..... 1268, 1269
401 ..... 1577, 1578
722 1580
729 1885
730 1043
907 ..... 1489, 2225
910 ..... 1, 1580, 1885, 2371
916 1043
993 2372
999 2074
1822 2372
1823 1490
1872 1490
2610 1886

7 CFR—Continued

PROPOSED RULES:

51 2074
210 2249
225 ..... 1078, 2650
663 6
662 1774
722 2097
730 1078
905 2091
907 1600
928 1077
959 2091
984 1916
1002 2092
1131 2093
1430 775
1701 775

8 CFR

103 ..... 1887, 2629

PROPOSED RULES:

243 2647

9 CFR

78 ..... 753, 766, 2075
317 ..... 2225, 2630
318 2630
319 2630
350 753
351 753
355 753
381 2225

PROPOSED RULES:

92 2249
303 1289
318 1773
381 ..... 1289, 1773

10 CFR

205 2226
210 1486
211 ..... 1044, 1487
212 1267
213 2226

PROPOSED RULES:

205 2249
209 1291
210 1564
212 ..... 1295, 1564, 1380

11 CFR

PROPOSED RULES:

115 2251

12 CFR

208 1269
265 1737
304 2630
333 2374
561 1888
613 1269

PROPOSED RULES:

202 1769
406 1086

13 CFR

309 1738

PROPOSED RULES:

115 1608

14 CFR

Ch. I 2248
21 1060
29 1060
39 ..... 1046–1055, 1270, 1581, 1738, 1888, 1889, 2375–2377, 2631
71 ..... 2, 300, 753, 1055, 1467, 1582, 1583, 1739, 1889, 1890, 2075, 2377, 2378
73 ..... 300, 1055, 1583
75 ..... 300, 1890
91 ..... 1060, 1890
95 1055
97 ..... 1270, 3347
288 1271
385 1060
1207 2631

PROPOSED RULES:

37 776
39 1762
71 ..... 1605, 1763, 2249
121 ..... 1085, 2650
129 ..... 1085, 2650
253 781
298 1764
399 ..... 781, 1500

15 CFR

3 1583
30 2076
377 2076
929 2378

16 CFR

13 ..... 753, 2078, 2079, 2381, 2633–2635
19 2383
20 2383
31 2383
33 2383
37 2383
49 2383
53 2383
65 2383
72 2383
76 2383
84 2383
85 2383
87 2383
97 2383
99 2383
108 2383
109 2383
110 2383
111 2383
119 2383
120 2383
121 2383
122 2383
124 2383
125 2383
126 2383
127 2383
129 2383
133 2383

16 CFR—Continued

134 2383
137 2383
139 2383
140 2383
143 2383
147 2383
148 2383
155 2383
163 2383
164 2383
166 2383
167 2383
168 2383
171 2383
172 2383
173 2383
179 2383
180 2383
183 2383
188 2383
189 2383
190 2383
211 2383
212 2383
213 2383
218 2383
219 2383
225 2383
301 2635
1207 2742
1612 1061
1615 1061
1616 1061
1630 1061

PROPOSED RULES:

18 2398
21 2398
22 2398
25 2398
27 2398
28 2399
30 2389
32 2398
35 2398
39 2398
42 2398
43 2398
47 2398
48 2398
50 2398
51 2398
58 2398
64 2399
66 2398
71 2398
88 2398
92 2398
101 2398
105 2398
132 2398
136 2398
138 2398
144 2398
145 2398
149 2399
161 2398
169 2398
176 2398
177 2398
181 2398
182 2398
185 2398
186 2398
191 2398
193 2399

16 CFR—Continued

PROPOSED RULES—Continued

194 2398
195 2398
196 2398
198 2398
199 2398
201 2398
202 2398
206 2398
207 2398
217 2398
220 2399
222 2398
226 2398
227 2398
450 1501
455 1089, 2100
456 2399

17 CFR

0 2508
10 2508
200 1739
230 1272
240 1741

PROPOSED RULES:

230 10
240 1771
270 2256
274 2256

18 CFR

PROPOSED RULES:

701 1921

19 CFR

159 1273–1275, 1467, 1468, 1587, 1588, 1741
161 2383

PROPOSED RULES:

12 1498

20 CFR

10 2
405 1491
901 2080
902 2080
903 1493

PROPOSED RULES:

405 1499
410 1762
422 1601
450 1603
602 776

21 CFR

1 1156, 2636
2 1891, 2383, 2636
8 754
27 1469
102 1156, 2636
121 1061, 1276, 1469
123 1589
431 2384
520 1276, 1891, 2384
540 1892
558 1061, 1276, 1469, 1892
561 1589

PROPOSED RULES:

338 1498
339 1498
340 1498
1304 1498

24 CFR

82 1672
203 1277
213 1277
234 1277
235 1168
300 2084
570 2766
888 2085
890 2344
1909 1062
1912 1062
1914 1062, 1470, 1751, 1893
1915 1277 1472, 1751, 2240
1916 1277–1280
1917 1894–1898, 2645
1920 2645, 2646

PROPOSED RULES:

570 2348
888 2098
1905 1499
1912 1500

25 CFR

232 1898

PROPOSED RULES:

131 1915

26 CFR

1 1063, 1280, 2636, 2642
31 1903

PROPOSED RULES:

1 1289, 1915, 2647
31 2087
41 768
48 768
142 768

27 CFR

4 1063
18 2642

PROPOSED RULES:

5 1077

29 CFR

102 1478
1952 1904
2509 1906
2555 1906
2556 1906

PROPOSED RULES:

1952 1918

31 CFR

PROPOSED RULES:

223 1077

32 CFR

505 1286
820 1906

PROPOSED RULES:

888f 2089

33 CFR

110 2086
117 2385
127 2086
157 1479

PROPOSED RULES:

82 10
117 10, 754
127 755

34 CFR
235 ... 755
PROPOSED RULES:
Ch. I ... 779

36 CFR
60 ... 1590
606 ... 1286
703 ... 2229
1002 ... 2385
PROPOSED RULES:
7 ... 1600

37 CFR
1 ... 756
2 ... 756

38 CFR
36 ... 1913

40 CFR
52 ... 1913, 2231
60 ... 1913, 2232, 2332
61 ... 1914
180 ... 762, 763
201 ... 2184
204 ... 2162
247 ... 2356
414 ... 902
418 ... 2386
PROPOSED RULES:
52 ... 1065, 1921, 2099, 2263
85 ... 2264
86 ... 2022
104 ... 1765
245 ... 2359
414 ... 914
1510 ... 2396

41 CFR
4-1 ... 1742
7-7 ... 1914
7-15 ... 1914
9-3 ... 2388
14-2 ... 763
14-18 ... 763
105-54 ... 2235
114-40 ... 2237

41 CFR—Continued
PROPOSED RULES:
51-5 ... 1764

42 CFR
PROPOSED RULES:
83 ... 1757, 2249

43 CFR
2090 ... 1598
2096 ... 1597
2610 ... 1597
2740 ... 1598
PROPOSED RULES:
3520 ... 2648

45 CFR
17 ... 2
100 ... 1395
100b ... 1395
117 ... 1395
121 ... 1395
130 ... 1395
141 ... 1395
173 ... 1395
180 ... 1876
249 ... 2198
250 ... 2198
PROPOSED RULES:
103 ... 2252
1336 ... 2046

46 CFR
42 ... 1470
146 ... 763, 2086
536 ... 765

47 CFR
1 ... 1286, 1372
2 ... 2389
73 ... 2389
76 ... 1063, 1742
87 ... 1598, 2389, 2390
97 ... 1482

47 CFR—Continued
PROPOSED RULES:
0 ... 2100
1 ... 2100, 2396, 2397
43 ... 1290
68 ... 778
73 ... 1088, 1089, 1291, 1500, 1501
76 ... 1606
81 ... 2398
83 ... 2397, 2398

49 CFR
1 ... 1288
255 ... 2524
257 ... 2525
571 ... 4, 765, 1066, 1483, 1598, 2391
575 ... 1066
1002 ... 1483
1033 ... 4, 2644
1045 ... 1484
1056 ... 1742
1100 ... 1485
1132 ... 1485
1133 ... 1486
1141 ... 1486
1151 ... 1486
PROPOSED RULES:
173 ... 1919
178 ... 1919
571 ... 1763
1003 ... 1923
1048 ... 2254
1049 ... 2254
1100 ... 1923
1104 ... 1923
1043 ... 779
1056 ... 1607, 1608
1084 ... 779
1204 ... 2100
1260 ... 2100
1261 ... 2100

50 CFR
17 ... 1915
21 ... 2237
28 ... 766, 1743
33 ... 2240
240 ... 1067
260 ... 2395
501 ... 4

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*
1–747	2	1737–1884	12
749–1034	5	1885–2065	13
1035–1266	6	2067–2224	14
1267–1464	7	2225–2363	15
1465–1575	8	2365–2626	16
1577–1735	9	2627–2803	19

presidential documents

Title 3—The President

Memorandum of November 10, 1975

Presidential Determination Concerning Turkey and Somalia

OFFICE OF THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Washington

January 13, 1976

On November 10, 1975, the President signed the attached Presidential Determination that Turkey and Somalia are taking steps to discharge their obligations under international law with respect to investment disputes between those countries and United States claimants. The President specified that this Determination be published in the FEDERAL REGISTER.

FREDERICK B. DENT,
Special Representative
for Trade Negotiations.

Memorandum for the Secretary of State

SUBJECT: Determination Under Section 502(b) of
the Trade Act of 1974

THE WHITE HOUSE,
Washington, November 10, 1975.

I have reviewed information prepared for me by the appropriate Executive agencies concerning separate investment disputes between Somalia and United States claimants, and Turkey and United States claimants, which could be considered as nationalizations, expropriations, or seizures within the meaning of section 502(b)(4) of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978, hereinafter referred to as the "Act"). On the basis of that information, I hereby determine that Somalia and Turkey are taking steps to discharge their obligations under international law, as prescribed by section 502(b)(4) of the Act.

In accordance with section 502(b)(4) of the Act I am furnishing a copy of this Determination to the Senate and to the House of Representatives.

This Determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.76–1625 Filed 1–15–76;1:03 pm]

EDITORIAL NOTE: For the text of the President's letter of Nov. 10, 1975, to the Speaker of the House and President of the Senate concerning the designation of additional beneficiary developing countries for the Generalized System of Preferences, see the Weekly Compilation of Presidential Documents (vol. 11, p. 1266).

For a list of all beneficiary developing countries, see Executive Order 11888 of November 24, 1975 (40 FR 55276).

rules and regulations

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

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

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Fees

Correction

In FR Doc. 76–956, appearing at page 1887 in the issue for Tuesday, January 13, 1976, the following changes should be made:

1. In the third and ninth lines of the first column on page 1888, the statutory sections cited should read, "243(h)" and "335(i)" respectively.

2. In the effective date statement at the end of the document, the words, "or before" should be deleted.

Title 9—Animals and Animal Products

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

ITALIAN SAUSAGE PRODUCTS

Standard of Composition

● Purpose. The purpose of this document is to establish a standard of composition for Italian sausage products to become effective December 31, 1976. ●

Statement of Consideration. On July 14, 1972, there appeared in the FEDERAL REGISTER (37 FR 13803–13804) a notice of proposed rulemaking under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), to amend the meat inspection regulations (9 CFR Parts 317, 318, and 319), to establish a standard of composition for Italian sausage, and to provide appropriate labeling requirements. The proposal resulted from a federally inspected packer's petition for approval of a label to describe a particular kind of uncured product as "Italian Style Sausage." The proposal solicited information, data, views, and comments from interested parties.

A period of 60 days was provided for the submission of views, data, and comments on the proposal to the USDA Hearing Clerk. A total of 73 comments were received, the majority from individuals and the remaining from meat processors, spice manufacturers and/or suppliers, State and local government officials, industry, trade organizations, and consultants to the meat trade.

Nearly all of the comments indicated that "Italian Sausage" is a distinctive product generally recognized by consumers, and that a standard to identify the ingredients of the item should be adopted. However, one major trade organization representing a number of processors expressed opposition to the proposed standard on the grounds that there are hundreds of different types of Italian sausages being made, and that no distinctive style is recognized by the consumer. From information submitted to the Department by the processor requesting approval for an Italian sausage, as well as information in the comments expressed in response to the notice of proposed rulemaking, it appears that "Italian Sausage" does have certain distinctive characteristics that are recognizable in the markets.

The four main areas of differences between the proposed standard and the comments were:

(1) Appropriateness of the 50 percent fat limit.

(2) Necessity for all the pork to have been trichinae treated.

(3) Optional ingredients list.

(4) Provision for Italian sausage-type product prepared only from beef, veal, or both, in order to meet religious or dietary needs.

One individual observed that the fat content in any sausage should not exceed 15 percent, and one processor concurred with the proposed 50-percent fat limitation. However, the majority of comments in reference to the matter of fat content indicated that 50 percent would be excessive and suggested, generally, that the standard provide for the finished product to contain up to 35 percent fat. The limit of 35 percent fat was endorsed in the comments submitted by one of the trade organizations representing a significant number of "Italian Sausage" processors.

The Department's proposal for a 50-percent fat limitation was based on a comparison of "Italian Sausage" with fresh pork sausage. However, it now appears the basis for such a comparison was not justified. Therefore, the amendment has been modified so the fat limitation is 35 percent of the finished product weight.

A number of individual processors, one spice supplier, two State and/or local government representatives, and one industry trade organization representing a number of processors objected to the proposed requirement that pork muscle tissue intended for use in "Italian Sausage" be treated by an approved method for the destruction of possible live trichinae. Those expressing such opposition pointed out that "Italian Sausage" is an uncured and unsmoked product that does not have the characteristics of a product which might be eaten without cooking. In addition, some of the comments from individual consumers indicated that they considered the product to be raw. The Department recognizes that the characteristics of Italian sausage products are similar to other fresh sausages containing pork, and has deleted the trichinae treatment provision from the final amendment on all forms of Italian sausage products, with one exception. When pork muscle tissue is combined with beef or veal, or both, in the preparation of bulk-packed products or patties, the pork muscle tissue in the combined meat food product may tend to lose its appearance as pork, and, in cooking, may not receive sufficient heat to kill the trichinae. Therefore, these products shall be treated for the destruction of possible live trichinae by a method approved in § 318.10 of the meat inspection regulations.

Although there were a large number of comments about spice and seasoning requirements, most agreed with the mandatory seasoning agents proposed, with one exception. Several individuals indicated that fennel or anise should be required, but both fennel and anise should not. A number of recipes submitted seemed to substantiate this. In the final amendment, the product is required to contain only fennel or anise, but may contain both if desired by the processor.

Based on the comments, recipes cited, and specific recommendations, other changes in the list of optional ingredients were made as follows:

1. The provisions allowing the specific use of hydrolyzed plant and milk proteins, and chili powder were deleted.

2. Onions, garlic, and parsley may be used in fresh or dehydrated form.

3. Several sweetening agents were added for the benefit of those processors who have a market for "sweet" or "mild" "Italian Sausage."

4. Provision was made for the use of antioxidants. Since a number of the comments pointed out that the product's characteristics are quite similar to other sausages in which antioxidants are permitted, e.g., fresh pork sausage, and argued that provision for their use should be made in this standard, the Department saw no reason for not allowing antioxidants, but does see possible advantage in protecting the product from deterioration during storage and display through the use of antioxidants. The same basic logic applies to the permission to use monosodium glutamate (MSG), which was opposed by some comments on the basis that MSG was not common to the recipes brought to this country from Italy.

Some of the comments received indicated that there are "mild" (or sweet)

and "hot" types of Italian sausage, and recommended that the standard make a distinction. However, the standard provides adequately for the production of products seasoned in such fashion and, therefore, a need to make further distinction is unnecessary. Processors who produce "hot" or "mild" product may wish to so label it much in the same fashion as is done in the case of "fresh pork sausage."

One processor commented that it would be unfair if specifications were written for certain sausage products in which beef could not be substituted for pork. He felt that these items compare favorably with pork items and are sought by people who for religious or dietary reasons cannot eat pork. In view of this, the amendment has been modified to permit the preparation of an Italian beef (or veal) sausage.

In view of the standard being promulgated herein, establishing specific requirements and characteristics for Italian sausage products, and since it appears that the product name is generally recognized in the United States by those who produce and consume this type of product, it does not appear necessary to require the terms "style" or "type" to be used in connection with the product name.

The proposal did not specify a minimum total meat and fat content for the total product. A review of formulas in the Department's files reveals a variation of meat and fat content from approximately 75 to 95 percent. The average, however, is almost 92 percent. In view of this information, the Department has determined that a minimum total meat and fat content of 85 percent is in order.

Other minor changes have been made in the amendment for clarity or editorial reasons.

The Meat and Poultry Inspection Advisory Committee and the Food and Drug Administration were consulted as prescribed in section 7(c) of the Act.

The Department recognizes that label changes are sometimes required when composition standards for products are modified or established. It is also accepted that the procurement of new labels takes time and ordinarily incurs expense due to printing and allied costs and the loss of value of obsolete labels. Processors normally react to increased production costs by raising the prices for their goods, with these increases being ultimately reflected in higher consumer prices. The Department's policy when implementing regulation amendments, therefore, is to keep unnecessary expenses to a minimum.

Information received from inspectors and industry sources indicate the products of some processors making "Italian Sausage" do not comply entirely with the provisions of the standard. The immediate implementation of the standard would destroy the usefulness of present labels and prevent the processors from distributing "Italian Sausage." It appears to be more desirable to delay applying the standard's provisions so that the orderly procurement of new labels can be made. Accordingly, use of the standard and labels in compliance with its provisions will not be required until December 31, 1976.

Accordingly, Part 319, § 317.8(b)(1), § 318.7(c)(4) and § 318.7(d)(1) of this subchapter are amended as set forth below.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

§ 317.8 [Amended]

1. Section 317.8(b)(1) is amended as follows: In the third sentence immediately following "Polish," "Italian" is inserted.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

§ 318.7 [Amended]

2. The chart of substances in § 318.7(c)(4) is amended as follows: Under the class of substances, "Antioxidants and oxygen interceptors," the wording in the "Products" column reading "Fresh pork sausage, brown and serve sausage, pregrilled beef patties, and fresh sausage made from beef or beef and pork" is revised to read: "Fresh pork sausage, brown and serve sausage, Italian sausage products, pregrilled beef patties, and fresh sausage made from beef or beef and pork."

3. Section 318.7(d)(1) is amended by deleting the phrase "and Italian brand sausage" therefrom.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

4. Part 319, and its Table of Contents, are amended by adding a new § 319.145 and heading in Subpart E as follows:

§ 319.145 Italian sausage products.

(a) Italian sausage products are uncured, unsmoked sausages containing at least 85 percent meat, or combination of meat and fat, with the total fat content constituting not more than 35 percent of the finished product. Such products shall be prepared in accordance with the provisions of paragraph (a) (1), (2) or (3) of this section, and shall contain salt, pepper, and either fennel or anise, or a combination of fennel and anise. Such products may contain any or all of the optional ingredients listed in paragraph (b) of this section.

(1) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat.

(2) "Italian Sausage with Beef," "Italian Sausage with Veal," or "Italian Sausage with Beef and Veal," shall be prepared so that fresh or frozen pork constitutes the major portion of the meat content requirement of this paragraph. When pork muscle tissue is combined with beef or veal, or both, in the preparation of bulk-packed products, or patties, it shall be treated for the destruction of possible live trichinae in accordance with § 318.10 of this subchapter.

(3) "Italian Beef Sausage" or "Kosher Italian Beef Sausage" shall be prepared with fresh or frozen beef or beef and beef fat. "Italian Veal Sausage" or "Kosher Italian Veal Sausage" shall be prepared with fresh or frozen veal or veal and veal fat.

(b) Optional ingredients permitted in Italian sausage products include:

(1) Spices (including paprika) and flavorings.

(2) Water or ice to facilitate chopping or mixing, but not to exceed 3 percent of the total weight of all ingredients including the water.

(3) Red or green peppers, or both.

(4) Dehydrated or fresh onions, garlic, and parsley.

(5) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.

(6) Monosodium glutamate and antioxidants in accordance with the chart of substances in § 318.7(c)(4) of this subchapter.

(c) If Italian sausage products are cooked, determination of compliance with the provisions of paragraphs (a) and (b) of this section shall be based on the uncooked product.

It does not appear that further public participation in rule making proceedings on the amendments would make additional information available to the Department which would alter the decision in this proceeding. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures are impracticable and unnecessary. The foregoing amendments shall become effective December 31, 1976.

(Secs. 6, 7, and 21, 34 Stat. 1260, as amended, 21 U.S.C. 606, 607, and 621; 37 FR 28464, 28477)

Done at Washington, D.C., on January 13, 1976.

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

[FR Doc.76-1462 Filed 1-16-76;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 304—FORMS, INSTRUCTIONS, REPORTS

Remote Service Facilities

Under the authority of Sections 7(a)(1) and 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(1) and 1828(d)), the Board of Directors ("Board") of the Federal Deposit Insurance Corporation ("FDIC") has adopted Form 6210/09: Remote Service Facility, and requires that each insured State nonmember bank and each proposed or existing bank applying for Federal deposit insurance complete and submit to FDIC on Form 6210/09 information regarding the establishment or operation of such facilities. In accordance with its

Resolution the Board has decided to amend § 304.3 of its Rules and Regulations (12 CFR 304.3) by adding a new paragraph (z) captioned "Form 6210/09: Remote Service Facility." This paragraph prescribes the form to be used by insured State nonmember banks in reporting information relating to the establishment of Remote Service Facilities. Banks may elect to have the Board approve the establishment of a facility as a "branch" within the meaning of Section 3(*o*) of the Federal Deposit Insurance Act and Form 6210/09 may be used to obtain approval of a Remote Service Facility as a branch. Other amendments to various paragraphs of § 304.3 have been adopted to require the use of Form 6210/09 by proposed and existing banks making application for Federal deposit insurance when such banks operate or contemplate the establishment of remote service facilities.

1. Section 304.3 of Title 12 of the Code of Federal Regulations is amended as follows:

§ 304.3 [Amended]

a. In paragraph (a), the fifth sentence is revised to read as follows:

(a) * * * If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82 must be accompanied by a properly executed Form 85 for each branch, and if the proposed bank contemplates the establishment of a remote service facility or facilities, its application on Form 82 must be accompanied by a properly executed Form 6210/09 for each facility.

b. In paragraph (b), the second sentence is revised to read as follows:

(b) * * * If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82–M must be accompanied by a properly executed Form 85–M for each branch, and if the proposed bank contemplates the establishment of a remote service facility or facilities, its application on Form 82–M must be accompanied by a properly executed Form 6210/09 for each facility.

c. Paragraph (d) is amended by adding at the end thereof a new sentence to read as follows:

(d) * * * If the bank has a remote service facility or facilities, its application on Form 84 must be accompanied by a properly executed Form 6210/09 for each facility.

d. In paragraph (e), the second sentence is revised to read as follows:

(e) * * * If the bank has a branch or branches, its applications on Form 84–M must be accompanied by a properly executed Form 85–M for each branch, and if the bank has a remote service facility or facilities, its application on Form 84–M must be accompanied by a properly executed Form 6210/09 for each facility.

e. A new paragraph (z) is added to read as follows:

(z) *Form 6210/09: Remote Service Facility.* Form 6210/09 is a notice of intention by an insured State nonmember bank to establish a Remote Service Facility. The establishing bank may elect on Form 6210/09 to have the Board of Directors approve the establishment of a Remote Service Facility as a "branch" within the meaning of Section 3(*o*) of the Federal Deposit Insurance Act (12 U.S.C. 1813(*o*)). On or after February 1, 1976, Form 6210/09 must be executed in triplicate by each insured State nonmember bank establishing a remote service facility and filed with the Regional Director of the Federal Deposit Insurance Corporation Region in which the bank's main office is located at least thirty days prior to the establishment of such a facility. On or after February 1, 1976, proposed banks and existing banks making application for Federal deposit insurance, which operate existing remote service facilities or contemplate the establishment of such facilities, must attach a Form 6210/09 to their applications for each such facility operated or contemplated.

The requirements of Sections 553 (b) and (d) of Title 5, United States Code, and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the public interest compelled it to make the action immediately effective.

Effective date. This amendment is effective January 9, 1976.

By order of the Board of Directors, January 12, 1976.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.76–1456 Filed 1–16–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–NE–2; Amdt. 39–2494]

PART 39—AIRWORTHINESS DIRECTIVE

Consolidated Aeronautics LA–4 and LA–4–200 Model Airplanes Equipped With STC SA876EA Auxiliary Fuel Tanks

There have been reports of water contamination of the fuel system which has resulted in engine power interruption. This contamination is the result of water entering the auxiliary fuel tanks through the tank filler neck vents.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the installation of a placard to prohibit auxiliary tank fuel transfer when the auxiliary tank sumps have not been drained after each water operation.

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

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

CONSOLIDATED AERONAUTICS. Applies to all Model LA–4 and Model LA–4–200 airplanes equipped with STC SA876EA auxiliary fuel tanks.

Compliance required, as indicated, by the effective date of this Amendment. To prevent engine power interruption resulting from water contamination of the fuel system due to water entering the auxiliary fuel tank sumps, accomplish the following:

Install the following placard adjacent to the auxiliary tank fuel transfer switches:

"WARNING"

"Auxiliary tank fuel transfer prohibited unless auxiliary tank sumps are drained free of water after each water opeartion."

This amendment becomes effective January 30, 1976. This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on January 9, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.76–1425 Filed 1–16–76;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1207—STANDARDS OF CONDUCT

Acceptance of Gifts, Gratuities, or Entertainment

● The principal purposes of these amendments to the Standards of Conduct regulations of the National Aeronautics and Space Administration are (1) to provide more specific guidance to NASA employees on NASA policy concerning the acceptance of gifts, gratuities, entertainment or any other thing of value, and (2) to limit the exceptions to the general policy proscribing the acceptance by NASA employees of any gift, gratuity, entertainment or any other thing of value from persons doing business with NASA. ●

Section 201(b) of Executive Order 11222, 30 FR 6469, 3 CFR 1965 Supp., authorizes agency heads to issue regulations, coordinated and approved by the Civil Service Commission, to implement the policy established by the Executive Order concerning the acceptance of gifts, etc., by agency employees and to provide for such exceptions as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees.

NASA has determined that there is a need to clarify and generally to restrict the exceptions applicable to NASA employees. The underlying objective is to provide greater insurance against a NASA employee acting in any manner, with respect to the acceptance of any-

thing of value from a person or organization doing business with NASA, that could create the appearance of a conflict of interest. At the same time, recognizing the advantages to NASA in certain circumstances in permitting a NASA employee to provide services on a reimbursable basis to an industrial, technical or professional association, the amended regulations would permit reimbursement for transportation, accommodations and subsistence, under tight procedural requirements, from such an organization.

The amendments also update the references to statutory provisions that relate to an employee's conduct, including 18 U.S.C. 616 concerning the acceptance of excessive honorariums.

Since these amendments are concerned only with internal administrative responsibilities and standards of conduct for NASA employees, notice and public procedure thereon is not required. The amendments have been coordinated and approved by the Civil Service Commission.

AUTHORITY: Sec. 203, National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; E.O. 11222, 30 FR 6469, 3 CFR 1965 Supp.; 5 CFR 735.104.

§ 1207.735–101 [Amended]

1. Paragraph (e) of § 1207.735–101 is reserved as follows:

(e) [Reserved]

2. Paragraph (f) of § 1270.735–101 is amended by adding paragraphs (18), (19), and (20), reading as follows:

(18) The prohibition against a public official appointing, employing, promoting or advancing a relative of the official in his agency, or advocating any such actions in his agency for such a relative (5 U.S.C. 3110).

(19) The prohibition against (i) the disclosure of crop information and speculation thereon (18 U.S.C. 1902); and (ii) the issuance of false crop reports (18 U.S.C. 2072).

(20) The prohibition against the acceptance of excessive honorariums (18 U.S.C. 616).

3. Subpart B is revised in its entirety to read as follows:

Subpart B—Acceptance of Gifts, Gratuities, or Entertainment

1207.735–200 Scope of subpart.
1207.735–201 Policy.
1207.735–202 Statutory prohibitions.

Subpart B—Acceptance of Gifts, Gratuities, or Entertainment

§ 1207.735–200 Scope of subpart.

This part establishes NASA policy with respect to the acceptance of gifts, gratuities, entertainment (including food, refreshments, tickets or invitations to performances and other events), favors, loans, transportation, accommodations, or any other thing of monetary value by NASA employees. Any violation of these regulations and/or any of the criminal statutes referred to herein will subject the employee to administrative disciplinary action and/or criminal prosecution.

§ 1207.735–201 Policy.

(a) It is NASA policy not to interfere in the private lives of NASA employees and their families. However, certain conduct involving acceptance of gifts, gratuities, entertainment (including food, refreshments, tickets or invitations to performances and other events), favors, loans, transportation, accommodations, or any other thing of monetary value, must be regulated in view of the nature of the official duties of the employee and the special responsibilities that are assumed by a person who accepts Federal employment.

(b) Except as provided in paragraphs (d), (f), and (g) of this section, the direct or indirect solicitation or acceptance by a NASA employee or his spouse or minor child of any gift, gratuity, entertainment (including food, refreshments, tickets or invitations to performances and other events), favors, loans, transportation, accommodations, or any other thing of monetary value from any person, corporation, or group is forbidden if the person, corporation, or group:

(1) Has or is seeking to obtain contractual or other business or financial relationships with NASA; or

(2) Has interests which may be substantially affected by such employee's performance or nonperformance of his official duty; or

(3) Is in any way attempting to affect the employee's official action.

(c) There are certain exceptions to the foregoing general rule which are set forth in paragraph (d) of this section. Those exceptions are to be strictly construed. In determining whether one or more of the exceptions apply in any particular circumstance, each NASA employee shall avoid any situation having an appearance which might, whether justifiably or not, bring discredit to or embarrass the Government or NASA. Each NASA employee will so govern his conduct in the light of this part as to have no difficulty in justifying his actions if required to do so.

(d) The following are exceptions to the general rule set forth in paragraph (b) of this section:

(1) Acceptance of food and soft drinks of nominal value at a contractor's plant on an infrequent basis when the conduct of official business within the plant will be facilitated and when no provision can be made for individual payment. An employee shall avoid all other situations, e.g., in private clubs, where there would be no provision for individual payment for his food or refreshments.

(2) Instances in which the interests of the Government are served by participation of a NASA employee in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, or professional associations for the discussion of matters of mutual interest. Participation in such events in permitted only when the host is the association and not a private company and only when approved by the employee's supervisor as being a part of or related to his official duties. Acceptance of gratuities, food, or refreshments from a private company in connection with such association's activities is forbidden.

(3) Acceptance of gifts, favors, or entertainment, where there is a family relationship between the employee, or between his spouse, children, or parents, and the donor, where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gift, favor, or entertainment, and where it is clear that the gift, favor, or entertainment is paid for by the donor and not by a private company.

(4) Acceptance of modest food and refreshments at the host's home, where there is an obvious personal relationship between the employee and the host, where it is clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the food and refreshments, and where it is clear that the food and refreshments are paid for by the host and not by a private company.

(5) Purchase of articles at advantageous rates where such rates are offered to Government employees as a class.

(6) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(7) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of trivial value, clearly less than $5.00.

(8) Acceptance of contractor-provided local or intrastate transportation while on official business when alternative arrangements are clearly impracticable or where such acceptance will facilitate the conduct of official business. Acceptance of intrastate transportation is permitted only when specifically authorized in the employee's travel authorization, or otherwise authorized in writing by the employee's supervisor, as being in the interest of the Government.

(9) Acceptance of transportation, accommodations, subsistence, or services furnished under a reimbursable arrangement with NASA, from an industrial, technical, or professional association, when authorized in the employee's travel authorization as being in the interest of the Government. When transportation, accommodations, subsistence, or services are furnished in kind by such an association, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the employee. When transportation, accommodations, subsistence, or services are provided under a cash reimbursable arrangement, the reimbursement must be paid directly to NASA by check payable to the National Aeronautics and Space Administration; the employee will be reimbursed for necessary expenses by NASA in accordance with applicable laws and regulations. In no case shall a NASA employee accept benefits which are under prudent standards extravagant or excessive in nature.

(10) Special situations in which the Associate Administrator for Center Operations, after consultation with the General Counsel, determines in advance in writing that the interest of the Government will be served by an employee's participation, in his official capacity and as a designated NASA representative, in a public ceremony or other event at the expense of a private company.

(11) Acceptance of transportation or other services provided by a private company in special situations in which the Administrator or the Deputy Administrator determines in advance in writing that acceptance of such transportation or other services will facilitate the conduct of official business and be in the best interest of the Government.

(e) A gift or gratuity, the receipt of which is prohibited under paragraph (b) of this section, will be returned to the donor. If return is not possible, the gift or gratuity will be turned over to a public or charitable institution and a report of such action, and the reasons why return was not feasible, will be made to the employee's supervisor. When possible, the donor should also be informed of such action.

(f) An employee will not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift presented as a contribution from an employee receiving less salary than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness or death, or retirement.

(g) An employee will not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 (see NASA instruction NMI 1030.1A).

§ 1207.735–202 Statutory prohibitions.

The prohibitions set forth in § 1207.735–201 are to be construed as being in addition to and not in limitation of:

(a) The prohibitions of 18 U.S.C. 201, as amended, relating to the corrupt solicitation or receipt of, or agreement to receive, anything of value in connection with an employee's performance of his official duty; and

(b) The prohibitions of 18 U.S.C. 203, as amended, relating to the unlawful solicitation or receipt of, or agreement to receive, compensation for services rendered by an employee in connection with matters affecting the Government.

4. Section 1207.735–305 is revised to read as follows:

§ 1207.735–305 Compensation, honorariums, travel expenses.

(a) An employee may accept compensation or an honorarium for permissible outside employment or other outside activity which is nonofficial in character unless otherwise prohibited by this subpart.

(b) (1) Except as provided in § 1207.735–201(d)(9) and in paragraph (b)(2) of this section, travel expenses will be borne by the Government when official employment activities of NASA employees are involved, including attendance at meetings of nongovernmental organizations. Conversely, when nonofficial outside employment activities are involved, appropriated funds will not be utilized for travel or subsistence.

(2) Contributions and awards incident to training in non-Government facilities and travel, subsistence, and other expenses incident to attendance at meetings may be accepted by NASA employees, provided that such contributions, awards, and payments are made by non-profit organizations pursuant to 5 U.S.C. 4111 (formerly the Government Employees Training Act), and that the employee has obtained specific written authorization to accept the contribution or award.

(c) No employee shall accept (1) any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article, or (2) honorariums aggregating more than $15,000 in any calendar year (18 U.S.C. 616). The provisions of this paragraph apply whether the appearance, speech or article is approved as permissible outside employment under Subpart C of this part, or pertains to the private interests of the employee.

5. Section 1207.735–309 is amended by adding paragraph (d) reading as follows:

§ 1207.735–309 Related statutory provisions.

* * * * *

(d) 18 U.S.C. 616 provides:

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or

(2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than $15,000 in any calendar year;

shall be fined not less than $1,000 nor more than $5,000.

Effective date. This amendment takes effect on January 19, 1976.

JAMES C. FLETCHER,
Administrator.

[FR Doc.76–1476 Filed 1–16–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2768]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Colwell & Co., et al.

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

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

In the Matter of Colwell & Co., a Corporation, and Thomas F. Colwell and Phillip F. Foster, Individually and as Directors of Said Corporation

Consent order requiring a Denver, Colo., real estate company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

ORDER

It is ordered, That respondents Colwell & Co., a corporation, its successors and assigns, its officers, and Thomas F. Colwell and Phillip F. Foster, individually and as directors of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

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

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

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

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate

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

is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rated" are defined in § 226.2 and as required by § 226.10(d)(1) of Regulation Z.

3. Failing, in any advertisement, to make all disclosures as required by § 226.10 in the manner prescribed by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

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

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

The Decision and Order was issued by the Commission Dec. 15, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-1436 Filed 1-16-76;8:45 am]

[Docket C-2767]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Magnetic Video Corporation et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.42 Connection of others with goods; § 13.95 Identity of product; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.235 Source or origin; 13.235–40 In general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misbranding or mislabeling: § 13.1170 Advertising and promotion; § 13.1230 Identity; § 13.1260 Nature; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1655 Identity; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1895 Scientific or other relevant facts. Subpart—offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275–65 Labeling depictions.

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

In the Matter of Magnetic Video Corporation, a Corporation, and Andre Blay, Individually and as an Officer of Said Corporation

Consent order requiring a Farmington Hills, Mich., manufacturer and distributor of various tape products, including compilations of hits and sound alike recordings, among other things to cease using any advertisement or promotional material which misrepresents that any tape product has been recorded by the original artist(s). Further, respondents must either disclose the name of the actual recording artist or print a warning advising prospective purchasers that the product "is not an original artist recording."

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

It is ordered, That respondents Magnetic Video Corporation, a corporation, its successors and assigns, and its officers, and Andre Blay, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any other corporation, subsidiary, division, or other device in connection with the sale of tape products recorded by a person or persons other than the original artist(s), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any label, package, catalogue, or any form of advertising, promotional material or point of sale material which:

(a) Contains any likeness of an original artist(s);

(b) Contains any illustration similar to that on the album cover or tape label used in the original artist(s) recording;

(c) Implies, in any manner, that the tape product has been recorded by an original artist(s).

2. Offering for sale, selling, or distributing any tape product recorded by one other than the original artist(s), unless the tape product's package or label contains either the name(s) of the actual artist(s) or a clear and conspicuous disclosure which reads:

"THIS IS NOT AN ORIGINAL ARTIST RECORDING"

(a) If the legend "THIS IS NOT AN ORIGINAL ARTIST RECORDING" is employed, that legend shall appear on the front and spine of the tape product's label in capital letters and in bold-face type set in type of at least the following sizes:

Front of the package___ 12-point type.
Spine of the package___ 8-point type.

(b) If the name(s) of the actual artist(s) is(are) used in conjunction with the name(s) of the original artist(s), the name(s) of the actual artist(s) shall appear in capital letters and in bold-face type on the same surface of the tape product as the name(s) of the original artist(s) appear(s). The name(s) of the actual artist(s) shall be printed in type which is at least the same size as the type size employed for the name(s) of the original artist(s).

(c) If the name(s) of the actual artist(s) is(are) not used in conjunction with the name(s) of the original artist(s), the disclosure shall comply with the requirements of Paragraph 2(a).

(d) The disclosure employed shall be a separate element of the label set in contrasting type on a solid-color background and shall not include any part of any picture design, illustration or other text, *Provided,* That if the name(s) of the original artist(s) is(are) used, the name of the actual artist(s) may be placed directly under or adjacent to the name(s) of the original artist(s).

3. Offering for sale, selling, or distributing any sound alike tape product, the title of which does not either name the actual artist or clearly disclose that the tape product is a sound alike recording, by incorporating the words, "Sounds like" or "Sound alike," or words of similar import and meaning.

4. Advertising any tape product not recorded by the original artist(s), unless respondents, in all advertisements of such tape products, either disclose clearly and conspicuously the name(s) of the actual artist(s) for each such recording, or make one clear and conspicuous disclosure which reads:

"THIS IS NOT AN ORIGINAL ARTIST RECORDING"

For the purposes of this section of the order, the term "advertisement" shall mean all advertising in newspapers, magazines, and other printed periodicals; advertisements appearing on television and radio, and catalogues.

(a) If the name of each actual artist is not clearly and conspicuously disclosed, respondents shall set forth the disclosure, "This Is Not An Original Artist Recording," in all printed advertisements, in capital letters and in bold-face type, set in type of at least the following sizes:

Advertisements of a trim size larger than 144 square inches. 24-point type.

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

Advertisements of a trim size larger than 65 square inches but not larger than 143 square inches.	14-point type.
Advertisements of a trim size larger than 36 square inches but not larger than 64 square inches.	12-point type.
Advertisements of a trim size not larger than 35 square inches.	10-point type.

The disclosure shall comply with the requirements of paragraph 2(c) of this order.

(b) In all radio and television advertisements, the disclosure shall at least be made orally. There must be no less than one half-second pause both before and after the disclosure.

It is further ordered, That respondents may continue to distribute tape products presently in inventory with labels and packaging not bearing the disclosures required by this order, *Provided,* That respondents shall affix to each and every tape product a label which contains a clear and conspicuous disclosure which reads, "NOT AN ORIGINAL ARTIST RECORDING."

(a) The disclosure shall be in boldface capital letters, set in at least 14-point type;

(b) The disclosure shall be set in black type on a bright-red background;

(c) The disclosure shall appear as a separate element, and shall not include any part of any picture, design, illustration, or other text.

It is further ordered, That respondents shall, for a period of seven years, deliver a copy of this order to all retailers or distributors known to respondents who purchase respondents' tape products from respondents.

It is further ordered, That a copy of this order be delivered to all present and future personnel of respondents engaged in the design and creation of any packaging or labels for respondents' tape products, and that respondents shall secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

The Decision and Order was issued by the Commission Dec. 12, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-1437 Filed 1-16-76;8:45 am]

[Docket C-2769]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Van Schaack & Company

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

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

In the Matter of Van Schaack & Company, a Corporation

Consent order requiring a Denver, Colo., mortgage company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

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

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

(a) The cash price; (the amount of the loan;)

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

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

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in § 226.2 and as required by § 226.10(d)(1) of Regulation Z.

3. Failing, in any consumer credit transaction, to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as prescribed by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

4. Failing, in any advertisement or consumer credit transaction, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the form, manner and amount prescribed by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

The Decision and Order was issued by the Commission Dec. 15, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-1438 Filed 1-16-76;8:45 am]

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Amendment of § 301.19—Pointing, Dyeing, Bleaching or Otherwise Artificially Coloring

On January 7, 1969, the Federal Trade Commission issued a Notice of Amendment of § 301.19 (Rule 19), of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act. Said document was published as FR Doc. 69-326 and appeared at page 380 of the Friday,

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

January 10, 1969 issue of the FEDERAL REGISTER.

That amendment to § 301.19 (Rule 19) reads in pertinent part:

(h) (2) When any fur or fur product is dressed, processed or treated with a solution or compound containing iron or copper and after processing any of the hair, fleece or fur fiber contains more than 300 parts per million of iron or more than 75 parts per million of copper, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

The Commission subsequently issued a Notice of Reopening of Record—a Notice of Proposed Rulemaking under the Fur Products Labeling Act. Such notice was published in the FEDERAL REGISTER on July 8, 1974, and provided that the Federal Trade Commission would reopen the record on § 301.19(h)(2) (Rule 19(h)(2)) for the purpose of reconsidering the feasibility and reasonableness of the Rule's limitations on the labeling of furs dressed with solutions containing iron and copper. Provision was made for the submission of written views, arguments or other pertinent data until the date of hearing.

The Commission issued a notice setting date of public hearing in this matter, which was published in the FEDERAL REGISTER on August 19, 1974 and announced that public hearings would be held in New York City on October 10 and 11, 1974.

The hearings were held from October 10, 1974 to October 16, 1974, at the Commission's New York Regional Office. After consideration of all testimony, views, arguments and other data submitted pursuant to the July 8, 1974 and August 19, 1974 notices referred to above, and after consideration of all other pertinent information available to the Commission, the Commission has determined to amend § 301.19 (Rule 19) of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act by deleting paragraph (h)(2) thereof, thereby eliminating the requirement that any fur or fur product be described as "color altered" or "color added" if it contains more than the concentrations of iron or copper specified by that paragraph. It is the judgment of the Commission that such amendment is required because, in the light of current technology, the degree of concentration of iron or copper present in hair, fleece, or fur fiber, after dressing, is not in every case relevant to the question of color change or color improvement; therefore, a conclusive presumption that color has been added or altered because of the presence of particular concentrations of such metals cannot presently be justified.

Accordingly, the Commission hereby amends Part 301—Rules and Regulations under Fur Products Labeling Act—of Subchapter C, Chapter 1 of Title 16 of the Code of Federal Regulations by deleting § 301.19(h)(2) and redesignating § 301.19(h)(1) to become § 301.19(h) as follows:

§ 301.19 Pointing, dyeing, bleaching or otherwise artificially coloring.

* * * * *

(h) Where any fur or fur product is dressed, processed or treated with a solution or compound containing any metal and such compound or solution effects any change or improvement in the color of the hair, fleece or fur fiber, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

* * * * *

(15 U.S.C. 69f)

Effective: January 19, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1486 Filed 1-16-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0256]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Food Labeling and Label Declaration of Ingredients Requirements

Correction

In FR Doc. 76-96 appearing at page 1156 in the issue of Tuesday, January 6, 1976 make the following corrections:

1. On page 1165, column one, the fourth line of the third complete paragraph from the top should read "amended, 1055 (21 U.S.C. 321(n) 343,".

2. On page 1165, column three, in the thirteenth line of § 1.10(b)(15) the word "floor" should read "flour".

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AUTHORITY TO REFUSE OR WITHDRAW APPROVAL OF NEW ANIMAL DRUG APPLICATIONS

The Commissioner of Food and Drugs is amending Part 2—Functions, Practices, and Procedures (21 CFR Part 2) to include a new delegation of authority to the Director of the Bureau of Veterinary Medicine to issue proposals to refuse approval or withdraw approval of new animal drug applications and supplements thereto for drugs for animal use, and notices withdrawing approval of such applications and supplements when opportunity for hearing is waived.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by adding a new paragraph (m) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(m) *Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new animal drug applications and new animal drug application supplements for drugs for animal use.* The Director of the Bureau of Veterinary Medicine is authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new animal drug applications and new animal drug application supplements for drugs for animal use submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

Effective date. This regulation shall be effective on January 19, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 13, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-1453 Filed 1-16-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7397]

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

Accounting for Long-Term Contracts and Advance Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Tuesday, November 21, 1972 (37 FR 24753), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 451 and 471 of the Internal Revenue Code of 1954 were published.

These proposed regulations, which relate to accounting for long-term contracts and advance payments, are finalized in this document with certain changes made in response to comments made by members of the general public and persons within the Treasury Department.

The final regulations are designed to provide greater certainty with respect to the tax treatment of long-term contracts and to clarify the tax treatment of advance payments for taxpayers utilizing accrual methods of accounting and long-term contract methods of accounting.

The final regulations generally permit continued use of the completed contract method by those taxpayers who are presently using that method, without regard to the manner in which long-term contracts are treated for purposes of financial reports to shareholders, partners, beneficiaries or other proprietors or for credit purposes. The regulations also make it clear that certain manufacturers are eligible to use long-term contract methods of accounting.

The new regulations set forth detailed rules relating to accounting for costs by taxpayers utilizing the completed contract method of accounting. In response to comments, the final regulations make it clear that these rules, which essentially restate the costing

rules found in case and ruling authority, apply to all taxpayers using the completed contract method of accounting for tax purposes, regardless of the method of accounting such taxpayers use for purposes of their financial reports or for credit purposes.

Existing regulations relating to accounting for advance payments allow the inclusion in income of such payments to be deferred until earned under a taxpayer's accrual method of tax accounting only if such method is in conformity with the method of accounting used for purposes of his financial reports. The proposed regulations made several liberalizations of this so-called financial conformity requirement. In particular, they make it clear that this requirement does not apply to taxpayers utilizing a long-term contract method of accounting. The final regulations follow the proposed regulations with respect to this liberalization and further liberalize this requirement by providing that the conformity requirement does not apply to taxpayers utilizing certain accrual methods of accounting for long-term contracts. This change was made in order to treat two types of taxpayers whose methods of accounting for long-term contracts are very similar in a more consistent manner.

Adoption of amendments to the regulations. In view of the foregoing and after consideration of all relevant matter as was presented by interested persons regarding the notice of proposed rule making dated November 21, 1972, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PAR. 1. Section 1.451–3 is revised to read as follows:

§ 1.451–3 Long-term contracts.

(a) *In general.* (1) Income from a long-term contract (as defined in paragraph (b)(1) of this section) may be included in gross income in accordance with one of the two long-term contract methods, namely, the percentage of completion method (as described in paragraph (c) of this section) or the completed contract method (as described in paragraph (d) of this section), or any other method if the method chosen clearly reflects income. Whichever method is chosen, it must be applied consistently to all long-term contracts within the same trade or business except that a taxpayer who has long-term contracts (as defined in paragraph (b)(1) of this section) of substantial duration and long-term contracts of less than substantial duration in the same trade or business may report the income from all the contracts of substantial duration on the same long-term contract method and report the income from the contracts of less than substantial duration pursuant to another proper method of accounting. For example, if a manufacturer of heavy machinery has special-order contracts of a type that generally take 15 months to complete and also has contracts of a type that generally take 3 months to complete, the manufacturer may use a long-term contract method for the 15-month contracts and a proper inventory method pursuant to section 471 and the regulations thereunder for the 3-month contracts. Similarly, if a construction contractor has construction contracts of a type that generally take 15 calendar months to complete and other constructions contracts that take only 5 months to complete but that are long-term contracts because they are not completed in the taxable years in which they are entered into (pursuant to paragraph (b)(1)(i) of this section), such contractor may either use a long-term contract method for all the contracts of both types or use a long-term contract method for the 15-month contracts and another proper method of accounting for the 5-month contracts. If a taxpayer distinguishes between contracts of substantial duration and other long-term contracts of less than substantial duration, he must adhere to a consistently applied standard for determining substantial duration.

(2) When a taxpayer reports income under the percentage of completion method or the completed contract method, a statement to that effect shall be attached to his income tax return.

(3) The percentage of completion method and the completed contract method apply only to the accounting for income and expenses attributable to long-term contracts. Other income and expense items, such as investment income or expenses not attributable to such contracts and costs incurred with respect to any guarantee, warranty, maintenance, or other service agreement relating to the subject matter of such contracts, shall be accounted for under a proper method of accounting. See section 446(c) and § 1.446–1(c).

(b) *Definitions.* (1)(i) Except as provided in subdivision (ii) of this subparagraph, the term "long-term contract" means a building, installation, construction or manufacturing contract which is not completed within the taxable year in which it is entered into.

(ii) Notwithstanding subdivision (i) of this subparagraph, a manufacturing contract is a "long-term contract" within the meaning of this subparagraph only if such contract involves the manufacture of (*a*) unique items of a type which is not normally carried in the finished goods inventory of the taxpayer, or (*b*) items which normally require more than 12 calendar months to complete (regardless of the duration of the actual contract). Thus, for example, a contract to manufacture a unit of industrial machinery specifically designed for the needs of a customer and not normally carried in the taxpayer's inventory or a contract to manufacture machinery which will require more than 12 calender months to complete are long-term contracts within the meaning of this subparagraph; however, a contract to manufacture 15,000 folding chairs which take 3 days each to manufacture is not a long-term contract within the meaning of this subparagraph even though it takes more than 12 calendar months to manufacture all 15,000 chairs and the contract is not completed within the taxable year it is entered into.

(2) For purposes of this section, except as otherwise provided in this subparagraph and paragraph (d)(2), (3), and (4) of this section (relating to certain disputes), a long-term contract will not be considered "completed" until final completion and acceptance have occurred. Nevertheless, a taxpayer may not delay the completion of a contract for the principal purpose of deferring Federal income tax. With respect to a subcontractor who completes his work on a long-term contract prior to the completion of the entire contract, "final completion and acceptance" of the contract with respect to such subcontractor shall be deemed to have occurred when his work has been completed and has been accepted by the party with whom he has contracted.

(c) *Percentage of completion method.* (1) Under the percentage of completion method, the portion of the gross contract price which corresponds to the percentage of the entire contract which has been completed during the taxable year must be included in gross income for such taxable year.

(2) The determination of the percentage of completion of a contract generally may be made on either of the following methods:

(i) By comparing, as of the end of the taxable year, the costs incurred with respect to the contract with the estimated total contract costs, **or**

(ii) By comparing, as of the end of the taxable year, the work performed on the contract with the estimated total work to be performed.

In determining the percentage of completion pursuant to subdivision (i) of this subparagraph with respect to a long-term contract, a taxpayer may use any method of cost comparisons (such as comparisons of total direct and indirect costs incurred to date to estimated total direct and indirect costs, of total direct costs incurred to date to estimated total direct costs, or of direct labor costs incurred to date to estimated total direct labor costs) so long as such method is used consistently with respect to such contract and such method clearly reflects income. In determining the percentage of completion pursuant to subdivision (ii) of this subparagraph, the criteria used to compare the work performed on a contract as of the end of the taxable year with the estimated total work to be performed must clearly reflect the earning of income with respect to the contract. Thus, for example, in the case of a roadbuilder, a standard of completion based solely upon miles of roadway completed in a case where the terrain is substantially different with respect to roadway completed during one taxable year as compared with roadway completed during another taxable year may not clearly reflect the earning of income with respect to the contract. If the method described in subdivision (i) of this subparagraph is used and the taxpayer revises the estimated total costs

as of the end of a taxable year, certificates of architects or engineers or other appropriate documentation showing the basis for such revision must be available at the principal place of business of the taxpayer for inspection in connection with an examination of the income tax return. If the method described in subdivision (ii) of this subparagraph is used, certificates of architects or engineers or other appropriate documentation showing the percentage of completion of each contract during the taxable year must be available at the principal place of business of the taxpayer for inspection in connection with an examination of the income tax return.

(3) Under the percentage of completion method, all costs incurred during the taxable year with respect to a long-term contract (account being taken of the material and supplies on hand at the beginning and the end of the taxable year for use in the contract) must be deducted. "Costs incurred during the taxable year with respect to a long-term contract" do not include costs incurred with respect to any guarantee, warranty, maintenance, or other service agreement relating to the subject matter of the long-term contract. See paragraph (a)(3) of this section.

(d) *Completed contract method*—(1) *In general.* Except in cases to which subparagraph (2), (3), or (4) of this paragraph applies, under the completed contract method, gross income derived from long-term contracts must be reported by including the gross contract price of each contract in gross income for the taxable year in which such contract is completed (as defined in paragraph (b)(2) of this section). All costs which are properly allocable to a long-term contract (determined pursuant to subparagraph (5) of this paragraph) must be deducted from gross income for the taxable year in which the contract is completed. In addition, account must be taken of any material and supplies charged to the contract but remaining on hand at the time of completion.

(2) *Contracts with disputes from buyer claims.* (i) This subparagraph applies in any case where, on or after a taxpayer tenders the subject matter of a long-term contract to the party with whom he is contracting, there exists an amount reasonably in dispute because such party wishes to have the original contract price reduced or to have additional work performed on the contract. Any item of income or deduction with respect to an amount reasonably in dispute shall be taken into account in the taxable year in which such dispute is resolved. In addition, any item of income or deduction which is properly allocable to such contract and which is not included in or deducted from gross income in a prior taxable year pursuant to subdivisions (ii), (iii), (iv), or (v) of this subparagraph and which is not taken into account under the preceding sentence shall be included in or deducted from gross income in the taxable year in which the final dispute is resolved.

(ii) If the amount reasonably in dispute affects so much of the contract price that it is not possible to determine whether a profit (an excess of the gross contract price over the costs properly allocable to such contract) or loss (an excess of the costs properly allocable to the long-term contract over the gross contract price) will ultimately be realized on such contract, then no item of income or deduction which is properly allocable to such contract shall be included in or deducted from gross income in the taxable year in which such contract is completed (without regard to such dispute).

(iii) In all other cases, the entire amount of the gross contract price reduced (but not below zero) by an amount equal to the amount reasonably in dispute shall be included in gross income in the taxable year in which such contract is completed (without regard to the dispute).

(iv) If the taxpayer is assured of a profit on such contract regardless of the outcome of the dispute, then all costs which are properly allocable to such contract and which have been incurred prior to the end of the taxable year in which such contract is completed (without regard to the dispute) shall be deducted in such year.

(v) If the taxpayer is assured of a loss on such contract regardless of the outcome of the dispute, then there shall be deducted in the taxable year in which such contract is completed (without regard to the dispute) the total amount of costs properly allocable to such contract which are incurred prior to the end of such year reduced by the amount by which the gross contract price was reduced pursuant to subdivision (iii) of this subparagraph. All other costs which are properly allocable to such contract shall be deducted in the taxable year in which incurred.

(vi) For purposes of this paragraph, where there is additional work to be performed with respect to a contract in dispute, the term "taxable year in which the dispute is resolved" means the taxable year in which such work is completed rather than the taxable year in which the outcome of the dispute is determined by agreement, decision, or otherwise.

(vii) The application of this subparagraph may be illustrated by the following examples:

Example (1). X, a calendar year taxpayer utilizing the completed contract method of accounting, constructs a building for Y pursuant to a long-term contract. According to the terms of the contract, the gross contract price is $2,000,000. X finishes construction of the building in 1972 at a cost of $1,900,000. Y examines the building and is dissatisfied with the construction. He demands either alterations or a reduction in the gross contract. The amount reasonably in dispute is $500,000. This dispute affects so much of the contract price that X is unable to determine whether a profit or a loss will ultimately be realized on such contract. Accordingly, pursuant to this subparagraph, X does not include any portion of the gross contract price in gross income and does not deduct any costs which are properly allocable to the contract until the taxable year in which the dispute is resolved.

Example (2). A, a calendar year taxpayer utilizing the completed contract method of accounting, constructs a bridge for B pursuant to a long-term contract. The terms of the contract provide for a $10,000,000 gross contract price. A finishes construction of the bridge in 1972 at a cost of $9,500,000. When B examines the bridge, he insists that either certain girders be repainted or that the contract price be reduced. The amount reasonably in dispute is $100,000. Since under the terms of the contract, A would be assured of a profit of at least $400,000 ($10,000,000−[$9,500,000+$100,000]) even if the dispute were resolved unfavorable to A, $9,900,000 ($10,000,000−$100,000 in dispute) of the gross contract price must be included in A's gross income in 1972 and $9,500,000 of costs must be deducted from A's gross income in 1972 pursuant to this subparagraph. In 1973 A and B resolve the dispute, A repaints certain girders at a cost to A of $60,000, and A and B agree that the contract price is not to be reduced. In 1973 A must include $100,000 ($10,000,000−$9,000,000) in gross income and must deduct $60,000 from gross income.

Example (3). M, a calendar year taxpayer utilizing the completed contract method of accounting, constructs a plant for N pursuant to a long-term contract. Under the terms of the contract M is entitled to receive $1,000,000 upon completion of the plant. M finishes construction of the plant in 1973 at a cost of $1,200,000. N examines the plant and determines that an elevator operates unsatisfactorily and insists that M either replace the elevator or that the contract price be reduced. The amount reasonably in dispute is $100,000. Under the terms of the contract M would be assured of a loss of at least $200,000 ($1,200,000−$1,000,000) even if the dispute were resolved in favor of M. Pursuant to this subparagraph M must include $900,000 ($1,000,000−$100,000) in gross income for 1973 and must deduct $1,100,000 ($1,200,000−$100,000) from gross income in 1973. In 1974 the dispute is resolved, and M replaces certain components of the elevator at a cost of $50,000. M must include $100,000 ($1,000,000−$900,000) in gross income for 1974, and must deduct $150,000 ($100,000 of previously undeducted costs plus $50,000 of additional costs) from gross income in 1974.

Example (4). Assume the same facts as in Example (3) except that N is insisting that the contract price be reduced because an elevator has insufficient capacity and that in 1974 the dispute is resolved by a reduction in the gross contract price of $40,000 (from $1,000,000 to $960,000). By the end of 1973, M is assured of a loss of at least $200,000 ($1,200,000−$1,000,000) under the terms of the contract even if the dispute were resolved in favor of M. Pursuant to this subparagraph, M must include in gross income for 1973 $900,000 ($1,000,000−$100,000) and must deduct from gross income in such year $1,100,000 ($1,200,000−$100,000). In 1974, when the dispute is resolved, M must include $60,000 ($960,000−$900,000) in gross income and must deduct $100,000 ($1,200,000−$1,100,000) from gross income.

Example (5). Assume the same facts as in Example (3) except that N is also insisting that the contract price be reduced by an additional amount because an underground storage facility has insufficient capacity. M determines that the total amount reasonably in dispute is $160,000, $100,000 attributable to the elevator plus $60,000 attributable to the underground storage facility. Under the terms of the contract, M would be assured of a loss of at least $200,000 ($1,200,000−$1,000,000) even if both disputes were resolved in favor of M. Pursuant to this subparagraph, M must include $840,000 ($1,000,000−$160,000) in gross income for 1973 and

must deduct $1,040,000 (1,200,000—$160,000) from gross income in 1973. In 1974 the dispute relating to the elevator is resolved, and M replaces certain components of the elevator at a cost of $50,000. M must include $100,000 (the amount of the gross contract price not included in gross income in 1973 by reason of the elevator dispute) in gross income for 1974 and must deduct $150,000 ($100,000 of previously undeducted costs plus $50,000 of additional costs) from gross income in 1974. In 1975, the dispute relating to the underground storage facility is resolved by a reduction in the gross contract price of $20,000 (from $1,000,000 to $980,000). In 1975 M must include $40,000 ($60,000—$20,000) in gross income and must deduct $60,000 (his previously undeducted costs) from gross income.

(3) *Contracts with disputes from taxpayer claims.* (i) This subparagraph applies in any case where, on or after a taxpayer tenders the subject matter of a long-term contract to the party with whom he is contracting, a dispute exists because the taxpayer is requesting that the amount to be paid to him under such contract be increased.

(ii) Except as provided in subparagraph (2) of this paragraph, in all cases described in subdivision (i) of this subparagraph, the entire amount of the gross contract price shall be included in gross income in the taxable year the contract is completed (without regard to the dispute), and all costs which are properly allocable to such contract and which have been incurred prior to the end of the taxable year in which such contract is completed (without regard to the dispute) shall be deducted in such year.

(iii) Any item of income which is properly allocable to such contract and which is not included in gross income in a prior taxable year pursuant to subdivision (ii) of this subparagraph shall be included in gross income in the taxable year in which any such dispute (or part thereof) is resolved. Any item of deduction which is properly allocable to such contract and which is incurred in a taxable year subsequent to the year such contract is completed (without regard to the dispute) shall be deducted from gross income in the taxable year in which such item of deduction is incurred.

(iv) For purposes of this paragraph, the term "gross contract price" means the original stated price of the contract with any modifications to which the parties have agreed as of the end of the taxable year. Thus, for example, such term includes any amount which the taxpayer is claiming by virtue of changes in the specifications of the contract which the other parties to the contract have agreed is proper, but it does not include any amount which the contractor is claiming which is disputed by the other parties to the contract. However, no amount is excluded from the term, "gross contract price" solely because a party refuses to pay such amount when due. Thus, for example, if the parties to a contract agree that the gross contract price is $100,000, but a party refuses to pay $60,000 of such amount when due, such refusal does not prevent the gross contract price from being $100,000.

(v) The application of this subparagraph may be illustrated by the following examples:

Example (1). S, a calendar year taxpayer utilizing the completed contract method of accounting, constructs a building for T pursuant to a long-term contract. Under the terms of the contract, S is entitled to receive $100,000 upon completion of the building. S finishes construction of the building in 1974 at a cost of $105,000. T examines the building in 1974 and agrees that it meets his specifications; however, as of the end of 1974, S and T are unable to agree as to the merits of S's claim for an additional $10,000 for certain items which S alleges are changes in contract specifications and T alleges are within the scope of the contract's original specifications. Under these circumstances, S must include in income in 1974 the gross contract price of $100,000 and must deduct from gross income in such year the $105,000 of costs. In 1975 the dispute is resolved by a payment to S of $2,000 with respect to his claim. S must include this $2,000 in gross income in 1975.

Example (2). Assume the same facts as in Example (1) except that S's claim for an additional $10,000 relates to two items which S alleges are changes in contract specifications, namely $7,000 for changes in the heating system and $3,000 for changes in the electrical system. In 1975 the dispute with respect to the electrical system is resolved by a payment to S of $750, and in 1976 the dispute with respect to the heating system is resolved by a payment to S of $1,250 and by S's performance of additional work at a cost of $250. S must include the $750 in gross income for 1975 and the $1,250 in gross income for 1976, and S must deduct the $250 from gross income in 1976.

(4) *Contracts with disputes from both buyer and taxpayer claims.* (i) This subparagraph applies in any case where, on or after a taxpayer tenders the subject matter of a long-term contract, a dispute exists involving both claims by the taxpayer for an increase in the contract price and claims by the other party to the contract either for a reduction in the contract price or for the performance of additional work under the contract. In any case described in the preceding sentence, principles similar to the principles of subparagraphs (2) and (3) of this paragraph shall be applied.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). W, a calendar year taxpayer utilizing the completed contract method of accounting, constructs a factory for Z pursuant to a long-term contract. Under the terms of the contract, Z agrees to pay W a total of $100,000 for construction of the factory. W finishes construction of the factory in December 1974 at a cost of $110,000. When Z examines the factory in December 1974, Z is dissatisfied with the location and workmanship of certain heating ducts. As of the end of 1974, W contends that the heating ducts as constructed are in accordance with contract specifications. The amount reasonably in dispute with respect to the heating ducts is $6,000. As of this time, W is claiming $14,000 in addition to the original contract price for certain changes in contract specifications which W alleges have increased his costs. Z denies that such changes have increased W's costs. In 1975 the disputes between W and Z are resolved by performance of additional work by W at a cost of $1,000 and by an agreement that the contract price would be revised downward to $96,000. Under these circumstances, W must include in his gross income for 1974, $94,000 (the gross contract price less the amount reasonably in dispute because of Z's claim, or $100,000—$6,000). In 1974, W must also deduct $104,000 (his costs incurred of $110,000 less $6,000, an amount equal to the amount in dispute). In 1975, W must include in gross income an additional $2,000 ($96,000—$94,000) and must deduct $7,000 (the $1,000 of costs W incurs in such year plus the $6,000 of previously undeducted costs).

Example (2). R, a calendar year taxpayer utilizing the completed contract method of accounting, agrees to construct an office building for X for a total contract price of $10,000,000. R begins construction in 1973 and tenders the building to X in November 1975. As of November 1975, R has incurred $15,000,000 of costs which are allocable to the contract. When X examines the building, X is dissatisfied with certain aspects of the construction and demands that a substantial amount of additional work be done. The amount reasonably in dispute with respect to X's demand is $4,000,000. R is claiming an additional $2,000,000 for certain changes in contract specifications which have allegedly increased his costs. As of the end of 1975, neither dispute has been resolved. In 1976, the dispute relating to X's claim is resolved by R's performance of additional work at a cost of $3,500,000 and X's agreement to pay R an additional $400,000. In 1977, the dispute relating to R's claim is resolved by X's agreement to increase the contract price by $1,800,000. Under these circumstances R must include in his gross income for 1975 $6,000,000 ($10,000,000—$4,000,000) and must deduct from gross income $11,000,000 ($15,000,000—$4,000,000). In 1976, when the dispute relating to X's claim is resolved, R must include in gross income $4,400,000 (the $4,000,000 of the gross contract price which was excluded from gross income in 1975 by reason of X's claim plus the $400,000 by which the contract price was increased) and must deduct $7,500,000 (the previously undeducted costs of $4,000,000 plus the costs of the work performed to resolve the dispute of $3,500,000). In 1977, when the dispute relating to R's claim is resolved, R must include in gross income the $1,800,000 by which the contract price was increased in settlement of R's claim.

(5) In determining what costs are properly allocable to a long-term contract in the case of a taxpayer utilizing the completed contract method of accounting for tax purposes, the following rules shall apply:

(i) Direct material costs and direct labor costs must be treated as costs properly allocable to a long-term contract. "Direct material costs" include the costs of those materials which become an integral part of the subject matter of the long-term contract and those materials which are consumed in the ordinary course of building, constructing, installing, or manufacturing the subject matter of a long-term contract. See § 1.471–3(b) for the elements of direct material costs. "Direct labor costs" include the cost of labor which can be identified or associated with a particular long-term contract. The elements of direct labor costs include such items as basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105(d)), shift differential, payroll taxes and payments to a supplemental unemployment benefit plan paid or incurred on behalf of employees engaged in direct labor.

(ii) The term "indirect costs" includes all costs (other than direct material costs and direct labor costs) which are

incident to and necessary for the performance of particular long-term contracts. Indirect costs which must be allocated to long-term contracts include:

(a) Repair expenses of equipment or facilities used in the performance of particular long-term contracts,

(b) Maintenance of equipment or facilities used in the performance of particular long-term contracts,

(c) Utilities, such as heat, light, and power, relating to equipment or facilities used in the performance of particular long-term contracts,

(d) Rent of equipment or facilities used in the performance of particular long-term contracts,

(e) Indirect labor and contract supervisory wages, including basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105 (d)), shift differential, payroll taxes and contributions to a supplemental unemployment benefit plan incurred in the performance of particular long-term contracts,

(f) Indirect materials and supplies used in the performance of particular long-term contracts,

(g) Tools and equipment not capitalized used in the performance of particular long-term contracts.

(h) Costs of quality control and inspection incurred in the performance of particular long-term contracts,

(i) Taxes otherwise allowable as a deduction under section 164 (other than State and local and foreign income taxes) to the extent such taxes are attributable to labor, materials, supplies, equipment or facilities used in the performance of particular long-term contracts,

(j) Depreciation and amortization reported for financial purposes on equipment and facilities used in the performance of particular long-term contracts,

(k) Cost depletion incurred in the performance of particular long-term contracts,

(l) Administrative costs incurred in the performance of particular long-term contracts (but not including any cost of selling or any return on capital),

(m) Compensation paid to officers attributable to services performed on particular long-term contracts (other than incidental or occasional services), and

(n) Costs of insurance incurred in the performance of particular long-term contracts, such as insurance on machinery and equipment used in the construction of the subject matter of a long-term contract.

(iii) Costs which are not required to be included in costs attributable to a long-term contract include:

(a) Marketing and selling expenses, including bidding expenses,

(b) Advertising expenses,

(c) Other distribution expenses,

(d) Interest,

(e) General and administrative expenses attributable to the performance of services which benefit the long-term contractor's activities as a whole (such as payroll expenses, legal and accounting expenses, etc.),

(f) Research and experimental expenses (described in section 174 and the regulations thereunder),

(g) Losses under section 165 and the regulations thereunder,

(h) Percentage depletion in excess of cost depletion,

(i) Depreciation and amortization on idle equipment and facilities and depreciation and amortization reported for Federal income tax purposes in excess of depreciation reported by the taxpayer in his financial reports,

(j) Income taxes attributable to income received from long-term contracts,

(k) Pension and profit-sharing contributions representing either past service costs or representing current service costs otherwise allowable as a deduction under section 404, and other employee benefits incurred on behalf of labor. These other benefits include workmen's compensation expenses, payments under a wage continuation plan described in section 105(d), amounts includable in the gross income of employees under nonqualified pension, profit-sharing and stock bonus plans, premiums on life and health insurance and miscellaneous benefits provided for employees such as safety, medical treatment, cafeteria, recreational facilities, membership dues, etc., which are otherwise allowable as deductions under chapter I of the Code,

(l) Cost attributable to strikes, rework labor, scrap and spoilage, and

(m) Compensation paid to officers attributable to the performance of services which benefit the long-term contractor's activities as a whole.

(iv) "Costs which are properly allocable to a long-term contract" do not include costs incurred with respect to any guarantee, warranty, maintenance, or other service agreement relating to the subject matter of the long-term contract. See paragraph (a)(3) of this section.

(6) In the case of a taxpayer who is required to allocate indirect costs to long-term contracts pursuant to subparagraph (5)(ii) of this paragraph, such costs may be allocated among long-term contracts either—

(i) By a specific identification (or "tracing") method, or

(ii) By a method of allocation utilizing burden rates, such as ratios based on direct costs, hours, or other items, or similar formulas, so long as the method employed for such allocation reasonably allocates indirect expenses among long-term contracts completed during the taxable year and long-term contracts which have not been completed as of the end of the taxable year. Indirect expenses may ordinarily be allocated to long-term contracts on the basis of direct labor and material costs, direct labor costs, direct labor hours, or any other basis which results in a reasonable allocation of such indirect costs.

(e) *Severing and aggregating contracts.* (1) For the purpose of clearly reflecting income, it may be necessary in some instances either to treat one agreement as several contracts or to treat several agreements as one contract. Whether an agreement should be so severed or several agreements so aggregated will depend on all the facts and circumstances. Generally, one agreement will not be treated as several contracts unless such agreement contemplates separate delivery or separate acceptance of portions of the subject matter of the contract or unless there is no business purpose for entering into one agreement rather than several agreements. However, separate delivery or separate acceptance of portions of the subject matter of a contract does not necessarily require severing of a contract. Several agreements will not generally be aggregated unless the several agreements would be treated as one contract under customary commercial practice in a taxpayer's trade or business or unless there is no business purpose for entering into several agreements rather than one agreement. An example of a factor which is evidence that two contracts entered into between the same parties should be aggregated is that one of the contracts would not have been entered into containing the terms agreed upon but for the entering into of the other contract.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). X, a calendar year taxpayer engaged in the construction business and using a long-term contract method, enters into one contract in 1972 with A, a real estate developer, to build three houses of different designs in three suburbs of a large city. The houses are to be completed, accepted, and put into service in 1973, 1974, and 1975. The portion of the total contract price attributable to each house can reasonably be determined. In these circumstances, the contract should be severed and treated as if the agreement to build each house were a separate contract for purposes of applying X's long-term contract method.

Example (2). Y, a calendar year shipbuilder using a long-term contract method, enters into two contracts at about the same time during 1972 with M. These contracts are the product of a single negotiation. Under each contract, the taxpayer is to construct for M a submarine of the same class. Although the specifications for each submarine are similar, it is anticipated that, since the taxpayer has never constructed this class of submarine before, the costs incurred in constructing the first submarine (to be delivered in 1973) will be substantially greater than the costs incurred in constructing the second submarine (to be delivered in 1974). If the contracts are treated as separate contracts, it is estimated that the first contract would result in little or no gain, while the second contract would result in substantial profits. It is unlikely that Y would have entered into the contract to construct the first submarine for the price specified without entering into the contract to construct the second submarine. In these circumstances, the two contracts must be treated as one contract for purposes of applying Y's long-term contract method.

Example (3). Z, a calendar year taxpayer engaged in the construction business and using a long-term contract method, enters into a contract to build an office building for the Y Bank in 1973. In 1974 the first three floors of the bank building are completed and Y occupies these floors and uses them for the conduct of its banking business. The remaining seven floors are not completed and accepted until 1975. Under the circumstances, it is clear that even though separate accept-

ance of portions of the subject matter of the contract has occurred, the subject matter of the contract was essentially a single unit, namely a building, and that there was a business purpose for entering into one contract rather than several contracts. Consequently, the contract ordinarily will not be severed.

(f) *Changing to or from a long-term method of accounting.* A taxpayer may change to or from the percentage of completion method or the completed contract method only with the consent of the Commissioner. See section 446(e) and § 1.446–1(e).

PAR. 2. Section 1.451–5 is amended by revising paragraph (b), by revising that part of paragraph (c)(1)(i) that precedes (*b*), by revising paragraph (c)(1)(ii), (2), and (3), by revising paragraphs (d), (e), and (f), and by adding a new paragraph (g). These amended and added provisions read as follows:

§ 1.451–5 Advance payments for goods and long-term contracts.

* * * * *

(b) *Taxable year of inclusion.* (1) Advance payments must be included in income either—

(i) In the taxable year of receipt; or

(ii) Except as provided in paragraph (c) of this section,

(*a*) In the taxable year in which properly accruable under the taxpayer's method of accounting for tax purposes if such method results in including advance payments in gross receipts no later than the time such advance payments are included in gross receipts for purposes of all of his reports (including consolidated financial statements) to shareholders, partners, beneficiaries, other proprietors, and for credit purposes, or

(*b*) If the taxpayer's method of accounting for purposes of such reports results in advance payments (or any portion of such payments) being included in gross receipts earlier than for tax purposes, in the taxable year in which includible in gross receipts pursuant to his method of accounting for purposes of such reports.

(2) This paragraph may be illustrated by the following examples:

Example (1). S, a retailer who uses for tax purposes and for purposes of the reports referred to in subparagraph (1)(ii)(*a*) of this paragraph, an accrual method of accounting under which it accounts for its sales of goods when the goods are shipped, receives advance payments for such goods. Such advance payments must be included in gross receipts for tax purposes either in the taxable year the payments are received or in the taxable year such goods are shipped (except as provided in paragraph (c) of this section).

Example (2). T, a manufacturer of household furniture, is a calendar year taxpayer who uses an accrual method of accounting pursuant to which income is accrued when furniture is shipped for purposes of its financial reports (referred to in subparagraph (1)(ii)(*a*) of this paragraph) and an accrual method of accounting pursuant to which the income is accrued when furniture is delivered and accepted for tax purposes. See § 1.446–1(c)(1)(ii). In 1974, T receives an advance payment of $8,000 from X with respect to an order of furniture to be manufactured for X for a total price of $20,000. The furniture is shipped to X in December 1974, but it is not delivered to and accepted by X until January 1975. As a result of this contract, T must include the entire advance payment in its gross income for tax purposes in 1974 pursuant to subparagraph (1)(ii)(*b*) of this paragraph. T must include the remaining $12,000 of the gross contract price in its gross income in 1975 for tax purposes.

(3) In the case of a taxpayer accounting for advance payments for tax purposes pursuant to a long-term contract method of accounting under § 1.451–3, or of a taxpayer accounting for advance payments with respect to a long-term contract pursuant to an accrual method of accounting referred to in the succeeding sentence, advance payments shall be included in income in the taxable year in which property included in gross receipts pursuant to such method of accounting (without regard to the financial reporting requirement contained in subparagraph (1)(ii)(*a*) or (*b*) of this paragraph). An accrual method of accounting to which the preceding sentence applies shall consist of any method of accounting under which the income is accrued when, and costs are accumulated until, the subject matter of the contract is shipped, delivered, or accepted.

(4) The financial reporting requirement of subparagraph (1)(ii)(*a*) or (*b*) of this paragraph shall not be construed to prevent the use of the installment method under section 453. See § 1.446–1(c)(1)(ii).

(c) *Exception for inventoriable goods.* (1)(i) If a taxpayer receives an advance payment in a taxable year with respect to an agreement for the sale of goods properly includible in his inventory, or with respect to an agreement (such as a gift certificate) which can be satisfied with goods or a type of goods that cannot be identified in such taxable year, and on the last day of such taxable year the taxpayer—

(*a*) Is accounting for advance payments pursuant to a method described in paragraph (b)(1)(ii) of this section for tax purposes,

* * * * *

(ii) If advance payments are required to be included in income in a taxable year solely by reason of subdivision (i) of this subparagraph, the taxpayer must take into account in such taxable year the costs and expenditures included in inventory at the end of such year with respect to such goods (or substantially similar goods) on hand or, if no such goods are on hand by the last day of such second taxable year, the estimated cost of goods necessary to satisfy the agreement.

* * * * *

(2) If subparagraph (1)(i) of this paragraph is applicable to advance payments received with respect to an agreement, any advance payments received with respect to such agreement subsequent to such second taxable year must be included in gross income in the taxable year of receipt. To the extent estimated costs of goods are taken into account in a taxable year pursuant to subparagraph (1)(ii) of this paragraph, such costs may not again be taken into account in another year. In addition, any variances between the costs or estimated costs taken into account pursuant to subparagraph (1)(ii) of this paragraph and the costs actually incurred in fulfilling the taxpayer's obligations under the agreement must be taken into account as an adjustment to the cost of goods sold in the year the taxpayer completes his obligations under such agreement.

(3) For purposes of subparagraph (1) of this paragraph, a taxpayer will be considered to have received "substantial advance payments" with respect to an agreement by the last day of a taxable year if the advance payments received with respect to such agreement during such taxable year plus the advance payments received prior to such taxable year pursuant to such agreement, equal or exceed the total costs and expenditures reasonably estimated as includible in inventory with respect to such agreement. Advance payments received in a taxable year with respect to an agreement (such as a gift certificate) under which the goods or type of goods to be sold are not identifiable in such year shall be treated as "substantial advance payments" when received.

* * * * *

(d) *Information schedule.* If a taxpayer accounts for advance payments pursuant to paragraph (b)(1)(ii) of this section, he must attach to his income tax return for each taxable year to which such provision applies an annual information schedule reflecting the total amount of advance payments received in the taxable year, the total amount of advance payments received in prior taxable years which has not been included in gross income before the current taxable year, and the total amount of such payments received in prior taxable years which has been included in gross income for the current taxable year.

(e) *Adoption of method.* (1) For taxable years ending on or after December 31, 1969, and before January 1, 1971, a taxpayer (even if he has already filed an income tax return for a taxable year ending within such period) may secure the consent of the Commissioner to change his method of accounting for such year to a method prescribed in paragraph (b)(1)(ii) of this section in the manner prescribed in section 446 and the regulations thereunder, if an application to secure such consent is filed on Form 3115 within 180 days after March 23, 1971.

(2) A taxpayer who is already reporting his income in accordance with a method prescribed in paragraph (b)(1)(ii)(*a*) of this section need not secure the consent of the Commissioner to continue to utilize this method. However, such a taxpayer, for all taxable years ending after March 23, 1971, must comply with the requirements of paragraphs (b)(1)(ii)(*a*) (including the financial reporting requirement) and (d) (relating to an annual information schedule) of this section.

(f) *Cessation of taxpayer's liability.* If a taxpayer has adopted a method pre-

scribed in paragraph (b)(1)(ii) of this section, and if in a taxable year the taxpayer dies, ceases to exist in a transaction other than one to which section 381 (a) applies, or his liability under the agreement otherwise ends, then so much of the advance payment as was not includible in his gross income in preceding taxable years shall be included in his gross income for such taxable year.

(g) *Special rule for certain transactions concerning natural resources.* A transaction which is treated as creating a mortgage loan pursuant to section 636 and the regulations thereunder rather than as a sale shall not be considered a "sale or other disposition" within the meaning of paragraph (a)(1) of this section. Consequently, any payment received pursuant to such a transaction, which payment would otherwise qualify as an "advance payment", will not be treated as an "advance payment" for purposes of this section.

PAR. 3. A new § 1.471–10 is added to read as follows:

§ 1.471–10 Applicability of long-term contract methods.

For optional rules providing for application of the long-term contract methods to certain manufacturing contracts, see § 1.451–3.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 12, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76–1544 Filed 1–14–76;4:16 pm]

[T.D. 7394]

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

Imputed Interest Rates; Correction

On January 7, 1976, Treasury Decision 7394 was published in the FEDERAL REGISTER (41 FR 1280). The date "July 25, 1975", which appears on page 1284 in § 1.483–1(g)(2) in the heading to Table IV, should read "July 24, 1975".

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.76–1546 Filed 1–16–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF–23]

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Recodification of Regulations and Transfer of High Proof Concentrate

Background. On March 15, 1974, the Bureau of Alcohol, Tobacco and Firearms published in the FEDERAL REGISTER (39 FR 9974) a notice of proposed rulemaking to amend and recodify 27 CFR Part 198, Production of Volatile Fruit-Flavor Concentrates. The proposed changes would (1) allow the production and transfer of high proof volatile fruit-flavor concentrate, and (2) recodify 27 CFR Part 198 as Part 18 of Title 27 of the Code of Federal Regulations, as part of the Bureau's continuing program to reissue all of its regulations under 27 CFR.

SUMMARY OF CHANGES SUBSEQUENT TO NOTICE OF PROPOSED RULEMAKING

In accordance with the notice of proposed rulemaking, interested persons were afforded the opportunity to submit written comments or suggestions for changes in the proposals. No comments or requests for a public hearing were received from the concentrate industry. However, after further study of the proposed amendments and suggestions submitted by the Bureau's field personnel, several changes are being made to the regulations as originally proposed. These are discussed below:

1. *Definition of high proof concentrate liberalized.* As published in the notice, high proof concentrate was defined as having an alcohol content of more than 15 percent by volume and being unfit for use as a beverage because of its natural constituents.

Very high proof concentrate (that having an alcohol content of around 70 to 80 percent by volume) was in mind when the proposed regulations were published. However, it has been brought to our attention that many volatile fruit-flavor concentrate producers presently make a relatively low proof concentrate naturally unfit for beverage use, that attains an alcohol content of as much as 24 percent by volume, depending on the particular process used. These producers then reduce the alcohol content of the concentrate, in accordance with § 198.114a (new § 18.125), to comply with the limitation that concentrate transferred from a manufacturing plant be not more than 15 percent alcohol by volume. As originally proposed, the regulations would have required these producers to secure additional bond coverage as well as to otherwise comply with new provisions concerning the production of high proof concentrate.

To eliminate the problem of classifying producers of relatively low proof concentrate as high proof concentrate producers, the percent of alcohol by volume limit is being extended from 15 percent to 24 percent. (§§ 18.11, 18.124, and 18.127 further amended.)

2. *Reporting requirements for changes in officers, directors, and stockholders liberalized.* To conform to similar requirements now in effect for other regulated industries, provisions have been added which (1) allow a period of 30 days for reporting changes in corporate officers and directors, (2) permit waiver of the requirement for reporting changes in corporate officers if it can be shown that such persons have no plant operation responsibilities, and (3) allow lists of stockholders to be submitted annually. (§§ 18.81 and 18.82 added.)

3. *Penal sums of bonds.* We had initially proposed that, where high proof concentrate is produced, the penal sum of the bond, Form 1694, would equal the tax liability of the high proof concentrate on hand, determined "at the rate prescribed by law as the tax on a proof gallon of distilled spirits".

The tax on distilled spirits, however, is determined on a proof gallon basis only if the spirits have an alcohol content of 50 percent by volume or more. The tax on spirits of less than 50 percent alcohol by volume is figured on a wine gallon basis. Since it is possible to produce high proof concentrate that is under 50 percent alcohol by volume, the reference to the term "proof gallon" is being deleted. (§ 18.91 further amended.)

4. *Transfer of concentrate.* The regulations governing the transfer of concentrate have been further amended to make it clear that concentrate which is produced at not more than 24 percent alcohol by volume, but which is subsequently reduced to not more than 15 percent alcohol by volume, may be transferred without notice. Further, since the form used for exportation of concentrate from the United States, Form 3874, Notice of Transfer of Fruit-Flavor Concentrate, has been amended to include a certificate of export on the form itself for completion by the proprietor of the volatile fruit-flavor concentrate plant, the regulations have been revised to reflect this change. (§ 18.127 further amended.)

SPECIFIC CHANGES SUBSEQUENT TO NOTICE

In consideration of the foregoing, the regulations as published in the notice of proposed rulemaking are hereby adopted, subject to the following changes and additions:

1. A preamble to the recodified regulations is added immediately preceding the table of contents. As added, the preamble reads as follows:

Preamble. a. The regulations in this part supersede 26 CFR Part 198 in its entirety.

b. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

c. The regulations in this part shall become effective March 1, 1976.

2. The table of contents for Part 18 is changed by inserting new section numbers and headings, § 18.81, Change in officers and directors, and § 18.82, Change in stockholders, immediately following § 18.80, reading thusly:

Sec.
18.81 Change in officers and directors.
18.82 Change in stockholders.

3. Section 18.11 is changed by amending the definition of "high proof concentrate". As changed, § 18.11 reads as follows:

§ 18.11 Meaning of terms.

* * * * *

High proof concentrate. For the purposes of this part, "high proof concentrate" shall mean a concentrate (essence), as defined in this section, having an alcohol content of more than 24 percent by volume but which is deemed unfit for beverage use because of its natural constituents.

* * * * *

4. A new section, § 18.81, is added immediately following § 18.80, to liberalize reporting requirements for changes in officers and directors. As added, new § 18.81 reads as follows:

§ 18.81 Change in officers and directors.

Where there is any change in the list of officers and directors furnished under the provisions of § 18.54(b), the proprietor shall submit, within 30 days of any such change, an amended application on Form 27–G to cover such change. Where the proprietor has shown to the satisfaction of the regional director that the holders of certain corporate offices, as listed on the original application, have no responsibilities in connection with the operations conducted under this part, the regional director may waive the requirement for submitting applications for amended registration to cover changes in such corporate offices.

5. A new § 18.82, is added immediately following new § 18.81, to liberalize reporting requirements for changes in stockholders. As added, new § 18.82 reads as follows:

§ 18.82 Change in stockholders.

Changes in the list of stockholders furnished under the provisions of § 18.54 (c) may, in lieu of submission within 10 days of the change under the provisions of § 18.71, be submitted annually by the proprietor on May 1, except where the sale or transfer of capital stock results in a change of control or management of the business.

6. Section 18.124 is changed by (1) striking, in paragraph (a), the words "15 percent by volume, except concentrate not exceeding 24 percent by volume to be transferred to a bonded wine cellar under the provisions of § 18.127(b)" and inserting instead, the words "24 percent by volume"; (2) inserting in paragraphs (b) and (c), the words "27–G Supplemental" in the space provided for the form number; and (3) increasing the size of the sample of high proof concentrate to be submitted to the Director from one ounce to eight ounces. As changed, § 18.124 reads as follows:

§ 18.124 Production of high proof concentrate.

(a) *General.* Concentrates having an alcohol content of more than 24 percent by volume, may not be produced (except to furnish the sample required by paragraph (c) of this section) in a volatile fruit-flavor concentrate plant unless such product has been found by the regional director to be unfit for use as a beverage because of its natural constituents as provided in paragraph (c) of this section.

(b) *Application.* Application on Form 27–G Supplemental must be filed and approved by the regional director before high proof concentrate can be produced. A separate application shall be filed for each kind of such concentrate to be produced.

(c) *Sample.* An 8-ounce sample of high proof concentrate, accompanied by a copy of Form 27–G Supplemental, must be submitted to the Director for laboratory analysis. If it is found to be naturally (without addition of other substances) unfit for use as a beverage, the regional director may approve the application on Form 27–G Supplemental. Such sample must be truly representative of the concentrate to be produced and must be labeled to show:

(1) Name, plant number and address of the producer,

(2) In bold type, HIGH PROOF CONCENTRATE—NOT FOR BEVERAGE USE,

(3) Kind of concentrate,

(4) Percent alcohol by volume, and

(5) Fold.

7. Paragraphs (a), (d)(3), and (e) of § 18.127 are changed to (1) conform language to the amended definition of high proof concentrate; and (2) provide for certification of export on Form 3874. As changed, § 18.127 reads as follows:

§ 18.127 Transfer of concentrate.

(a) *General.* Concentrate fit for use as a beverage or which contains more than 15 percent alcohol by volume may not be removed from its place of manufacture except as provided in paragraphs (b), (c) and (d) of this section. Concentrate containing not more than 15 percent alcohol by volume (including high proof concentrate and concentrate produced at not more than 24 percent alcohol by volume, reduced as provided in § 18.125 to not more than 15 percent alcohol by volume) and which is unfit for use as a beverage may be removed from its place of manufacture as provided in paragraph (e) of this section.

(b) *Transfer to a bonded wine cellar.* Pursuant to an approved application on Form 3873, made as provided for in 27 CFR Part 240, and notice on Form 3874, as provided for in paragraph (d) of this section, concentrate of not more than 24 percent alcohol by volume may be transferred to a bonded wine cellar for use in the production of natural wine.

(c) *Transfer of high proof concentrate.* Pursuant to a notice on Form 3874, high proof concentrate may be transferred from a concentrate plant to a manufacturer using the high proof concentrate for any purpose authorized by law, or for export. Such notice shall be filed in accordance with paragraph (d) of this section.

(d) *Notice of transfer.* When concentrate is transferred under paragraphs (b) and (c) of this section, the proprietor shall give notice thereof on Form 3874 as follows:

(1) *Transfer in the same region.* When concentrate is transferred in the same region, the proprietor shall prepare an original and three copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee and one copy to his regional director, and retain the remaining copy for his files.

(2) *Transfer to another region.* When concentrate is transferred to another region, the proprietor shall prepare an original and four copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee, one copy to the consignee's regional director, and one copy to his own regional director, and retain the remaining copy for his files.

(3) *Transfer out of the United States.* When high proof concentrate is removed for exportation to a foreign country, the proprietor shall prepare an original and two copies of Form 3874 and, on the day of shipment, forward one copy to his regional director and retain the original and remaining copy. As soon as possible after shipment, he shall furnish his regional director with the original of Form 3874, having completed the certification of export on the form, accompanied by the ocean bill of lading and the through or export bill of lading: *Provided*, That the regional director may authorize other proof of exportation acceptable to him.

(e) *Transfers without notice.* Concentrate containing not more than 15 percent alcohol by volume (including high proof concentrate and concentrate produced at not more than 24 percent alcohol by volume, reduced as provided in § 18.125 to not more than 15 percent alcohol by volume) which is unfit for beverage use may be transferred without notice of transfer. Where such concentrate containing not more than 15 percent alcohol has been found to be fit for beverage use, there shall be added to each gallon thereof before removal not less than:

(1) 8⅗ pounds of sucrose; or

(2) One gallon of concentrated fruit juice of not less than 70 Brix made from the same kind of fruit used in the manufacture of the concentrate; or

(3) 2½ ounces of any of the following:

(i) Malic acid;

(ii) Citric acid; or

(iii) Tartaric acid.

This Treasury decision shall become effective on March 1, 1976.

(This Treasury decision is issued under the authority contaained in 26 U.S.C. 7805 (63A Stat. 917).)

Signed: December 22, 1975.

REX D. DAVIS,
Director.

Approved: January 12, 1976.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.76–1460 Filed 1–16–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Second Revised Service Order No. 1197]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co., et al.

JANUARY 14, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of January, 1976.

It appearing, That due to excessive hazard to vehicular and pedestrian traffic, the City of Colorado Springs, Colorado, had requested The Atchison, Topeka and Santa Fe Railway Company (ATSF) to discontinue the use of certain tracks in Colorado Springs, Colorado; that such discontinuance will deprive certain shippers of ATSF services; that service to these shippers can be continued by the ATSF of certain tracks of The Chicago, Rock Island and Pacific Railroad Company (RI); that the RI has consented to the use of its tracks by the ATSF between a point of connection between the RI and the joint line of The Denver and Rio Grande Western Railroad Company (DRGW) and the ATSF between DRGW milepost 74.3 and RI milepost at 606.21; that operation by the ATSF over the aforementioned tracks of the RI, pending disposition of application by the ATSF with the Commission seeking permanent authority to operate over these tracks, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days; notice.

It is ordered, That:

§ 1033.1197 The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.[1]

(a)[1] The Atchison, Topeka and Santa Fe Railway Company (ATSF) be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between a point of connection between the RI and the joint line of The Denver and Rio Grande Western Railroad Company (DRGW) and the ATSF between DRGW milepost 74.3 and RI milepost at 606.21.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 11:59 p.m., January 15, 1976.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

[1] The Denver and Rio Grande Western Railroad Company eliminated.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.76–1550 Filed 1–16–76;8:45 am]

[Service Order No. 1188; Amdt. No. 3]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co., et al.

JANUARY 14, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of January, 1976.

Upon further consideration of Service Order No. 1188 (39 FR 24016 and 40 FR 2990, 30267), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1188 be, and it is hereby, amended by revising paragraph (e), to read as follows:

§ 1033.1188 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1976.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.76–1549 Filed 1–16–76;8:45 am]

[Service Order No. 1200; Amdt. No. 3]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co., et al.

JANUARY 14, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of January, 1976.

Upon further consideration of Service Order No. 1200 (39 FR 38103 and 40 FR 2990, 30268), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1200 be, and it is hereby, amended by revising paragraph (d) to read as follows:

§ 1033.1200 Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1976, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1976.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.76–1551 Filed 1–16–76;8:45 am]

[Service Order No. 1182; Amdt. No. 4]

PART 1033—CAR SERVICE

Substitution of Stock Cars for Boxcars

JANUARY 14, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of January, 1976.

Upon further consideration of Service Order No. 1182 (39 FR 13159, 37393, and 40 FR 2990, 30267) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1182 be, and it is hereby, amended by revising paragraph (e) to read as follows:

§ 1033.1182 **Substitution of stock cars for boxcars.**

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1976, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1976.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1548 Filed 1-16-76;8:45 am]

Title 24—Housing

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-544]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Nahant, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Nahant, Massachusetts under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Nahant Road, Nahant, Massachusetts 01908.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean, Nahant Bay, Lynn Harbor, Nahant Harbor, Massachusetts Bay.	Nahant Rd.	11	From 150 ft east of Spring Rd. to 500 ft south of Little Nahant Rd.
	Castle Rd.	11	From intersection with Nahant Rd. to 250 ft north of Wendell Rd.
	Spring Rd.	11	From intersection with, to 50 ft south of Nahant Rd.
	Flash Ave.	11	From intersection with Spring Rd. to 300 ft east of Fox Hill Rd.
	Willow Rd.	11	From intersection with Emerald Rd. to end of Willow Rd.
	Willow Rd.	11	From 175 ft northwest of Summer Rd. to 50 ft southeast of Furbush Rd.
	Summer St.	11	From 50 ft southwest of Willow Rd. to 50 ft northeast of Willow Rd.
	Furbush Ave.	11	Entire road.

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

Issued: January 2, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-1463 Filed 1-16-76;8:45 am]

[Docket No. FI-839]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Mobile, Alabama

On September 15, 1972, in 37 FR 18725, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Mobile, Alabama, as an eligible community and included Map No. H 015007 25, which indicates that Lot 13, Huntleigh Woods, Unit Three, Mobile, Alabama, as recorded in Map Book 26, Page 24, in the office of the Judge of the Probate Court of Mobile County, Alabama, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective September 15, 1972, Map No. H 015007 25 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: December 30, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-1464 Filed 1-16-76;8:45 am]

[Docket No. FI-838]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Winston-Salem, North Carolina

On August 31, 1972, in 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Winston-Salem, North Carolina, as an eligible community and included Map No. H & I 375360 C 08, which indicates that 3571 Buena Vista Road, Winston-Salem, North Carolina, as recorded in Deed Book 1148, Page 299, in the office of the Register of Deeds of Forsyth County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further

technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective August 31, 1972, Map No. H & I 375360 C 08 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

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

Issued: December 30, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–1465 Filed 1–16–76;8:45 am]

[Docket No. FI–840]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 39 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 04 which indicates that Lot 17, Section 3, Saigon Subdivision, being 976 Spencer Road, Fairfax County, Virginia, as recorded in Deed Book 1556, Page 512 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: December 30, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–1466 Filed 1–16–76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974; DEFINITIONS OF MULTIEMPLOYER PLAN AND PLAN ADMINISTRATOR

Public Hearing on Proposed Regulations

Proposed regulations under section 414 (f) and (g) of the Internal Revenue Code of 1954, relating to definitions of multiemployer plan and plan administrator, appear in the FEDERAL REGISTER for September 18 and September 23, 1975 (40 FR 43034 and 43735).

A public hearing on the provisions of such proposed regulations will be held on March 11, 1976, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Internal Revenue Code section 414 (f) and (g) under which the regulations were proposed, was enacted by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). Title I of that Act also enacted into law a substantially identical provision to be administered by the Department of Labor. For this reason, the Internal Revenue Service has invited representatives of the Department of Labor to be present at the scheduled hearing, and these representatives may address questions to persons making oral presentations at the hearing.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rule making and who desire to present oral comments at the hearing on such proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 3, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601 (a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by March 5, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on March 10, 1976, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76-1545 Filed 1-16-76;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 243]

DEPORTATION

Advance Notice to Alien of Time and Place of Surrender for Deportation

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 243.3, pertaining to the advance notice to an alien ordered deported of the time and place of surrender for deportation.

Existing § 243.3 provides that once a warrant of deportation is issued, an alien, if not in the physical custody of the Service, shall be given not less than 72 hours advance notice in wrting of the time and place of his surrender for deportation, and that if the alien fails to surrender as directed, he shall be deported without further notice when located.

A recent survey conducted by the Service reveals the failure of an alarming number of aliens to surrender for deportation pursuant to the advance notice given in accordance with § 243.3, to wit, an estimated total of 6,985 aliens during Fiscal Year 1975. That approximates 29.8 percent of the total number of deportations (23,438) effected during Fiscal Year 1975. When viewed against the fact that many of the 23,438 deportations effected in Fiscal Year 1975 involved detained aliens, who, as such, were not subject to the advance notice, the approximate yearly percentage of failures to surrender for deportation increases.

In the light of the foregoing, it is proposed to amend § 243.3 to provide that once an order of deportation becomes final, an alien, not in the physical custody of the Service, shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation and that the advance notice requirement shall not preclude taking an alien into custody at any time, including any time within the 72 hour period, if information is received that the alien is likely to abscond or that his being at large constitutes a danger to public safety or security. However, in such an instance the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72 hour notice period, whichever is less.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by February 20, 1976, will be considered.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

It is proposed to revise § 243.3 to read as follows:

§ 243.3 Expulsion.

Once an order of deportation becomes final, an alien, not in the physical custody of the Service, shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation. If the alien fails to surrender as directed, he shall be deported without further notice when located. When an alien is directed to surrender for deportation, he shall do so notwithstanding the filing of an application for a stay of deportation unless he has been informed prior to the surrender date that a stay has been granted. The advance notice requirement above does not preclude taking an alien into custody at any time, including any time within the 72 hour period, if information is received that the alien is likely to abscond or that his being at large constitutes a danger to public safety or security. However, in such an instance the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72 hour notice period, whichever is less.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: January 14, 1976.

JAMES F. GREENE,
Acting Commissioner, Immigration and Naturalization.

[FR Doc.76-1502 Filed 1-16-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

PROSPECTING PERMITTEES

Issuance of Leases

The Mineral Leasing Act of 1920; as amended and supplemented 30 U.S.C. 181–287, authorizes the Secretary of the Interior, under certain conditions, to issue prospecting permits for coal, 30 U.S.C. 201(b), phosphate 30 U.S.C. 211 (b), sodium, 30 U.S.C. 261, sulphur, 30 U.S.C. 271, and potassium, 30 U.S.C. 281. For coal, the Mineral Leasing Act states that if "the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease." 30 U.S.C. 201(b). For phosphate, the Mineral Leasing Act says that if "the permittee shows to the Secretary that valuable deposits of phosphate have been discovered within the area covered by his permit, the permittee shall be entitled to a lease * * *." 30 U.S.C. 211(b). For sodium, sulphur, and potassium, the Mineral Leasing Act says that upon a showing that "valuable deposits" of mineral have been discovered within the permit area and the "land is chiefly valuable therefor, the permittee shall be entitled to a lease * * *." 30 U.S.C. 262, 272, and 282. The Department of the Interior has never formally defined the meaning of the term "commercial quantities" or "valuable deposit" under the Mineral Leasing Act.

The purpose of these proposed regulations is to define "commercial quantities" and "valuable deposit," to state what information the permittee must submit to demonstrate the existence of coal in commercial quantities or of a valuable deposit of the other permit minerals, and to state that if a prospecting permittee makes the necessary showing, the Secretary will issue a lease to the permittee. The Mineral Leasing Act, 30 U.S.C. 189, authorizes the issuance of these regulations. These proposed regulations also apply to prospecting permits for hardrock minerals issued under section 402, Reorganization Plan No. 3, 60 Stat. 1099.

The proposed regulations state that a permittee has discovered coal in commercial quantities or a valuable deposit of one of the other permit minerals if the mineral discovered under the permit is of such a character and quantity that a prudent person would be justified in the expenditure of his labor and means with a reasonable prospect of success, in developing a valuable mine. The permittee must submit facts which demonstrate that he has reviewed all relevant factors, and that there is a reasonable expectation that his revenues will exceed his direct costs over the life of the lease. The proposed regulations require the permittee to demonstrate not only the quantity and quality of the mineral deposit, but also his expected revenues and all of the estimated costs that a prudent person would consider before deciding to operate a mine. The Department has concluded that unless it reviews the relevant revenue and cost estimates it cannot responsibly determine that a deposit is commercial or valuable.

The factors used to define these standards are the same (with the addition of royalty costs) as those the Department now uses to determine whether a mining clamant under the Mining Law of 1872, 30 U.S.C. 22–38, has found a valuable mineral deposit. The Supreme Court has on several occasions approved the test the Department uses under the Mining Law, most recently in "United States v. Coleman", 390 U.S. 599 (1968). The congruence of the definition under the Mining Law and in the proposed regulations is not coincidental. The Department believes that Congress intended that the Department should use the same test to determine whether a prospecting permittee should be given a lease under the Mineral Leasing Act as it was using under the Mining Law of 1872 to determine whether a claim was valid.

To be able to estimate his reasonably expected cost and to supply the information that the regulations require, the permittee may have to prepare what amounts to a preliminary mining plan. The Department will normally prepare an environmental analysis, and, if required, an environmental impact statement, based on the permittee's expected mining operation, to determine the appropriate lease terms for the particular lease. Consequently, the permittee, when he files his application, may not know what lease terms and stipulations the government will include in his lease. Although the permittee's application must be as complete as possible, the regulations allow the Secretary to require the permittee to supplement his original showing with additional information, including information on the expected costs of complying with proposed lease terms and stipulations. Permittees who have already filed lease applications will be allowed to submit additional information. The Department is considering whether to prepare an instruction sheet to help ensure that permittees present the required information in a consistent manner.

The Department considered two other definitions of commercial quantities and valuable deposit: "workability" and "overall balance." The Department believes that these definitions are not within the contemplation of the applicable statutes.

Under the "workability" standard, the determination of commercial quantities or valuable deposit would have been based solely on the characteristics of the mineral, without regard to costs such as transportation and reclamation. The Department has concluded that this test does not take into consideration many factors that a prudent person would consider before he decides whether to open and operate a mine, and therefore the Department cannot responsibly determine, using this test, whether the deposit is in commercial quantities or a valuable deposit.

Under the "overall balance" test, the determination of commercial quantities or valuable deposit would have been made on the basis of societal impact, i.e., whether the overall benefits of the mining to society will exceed the overall costs to society, not on the basis of the permittee's position, i.e., whether the permittee's expected revenues will exceed his costs. The Department rejected this test because the Mineral Leasing Act, like the Mining Law of 1872, focuses on the viewpoint of the prospective developer.

The Department has also concluded that the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321–35, did not amend the Mineral Leasing Act by changing the focus of the commercial quantities and valuable deposit tests from the permittee's costs and benefits to society's costs and benefits. The Department has also concluded that NEPA did not abrogate the Secretary's mandatory duty under the Mineral Leasing Act to issue a lease to a permittee who has made the necessary showing. The Department recognizes, however, that NEPA affects the Department's discretionary authority whether to issue a prospective permit and its discretionary decision to impose lease terms and stipulations. The Mineral Leasing Act requires, for example, the inclusion in the lease of provisions necessary for the protection of the interests of the United States and for the safeguarding of the public welfare, 30 U.S.C. 187. The Department will exercise that authority in accordance with NEPA's policies.

It has been determined that the promulgation of these proposed regulations is not a major federal action significantly affecting the quality of the human environment, as defined under NEPA, and that an environmental impact statement is not required for this action. This determination is based upon the fact that the proposed regulations merely formalize the non-discretionary requirements of existing law and establish administrative procedures for meeting these requirements. While, as has been stated above, such non-discretionary action under the proposed regulations may lead to subsequent discretionary action with significant impacts on the human environment, the specific details of these subsequent actions are not within the purview of these proposed regulations, and moreover may themselves be the subject of future environmental impact statements.

If adopted, the Department will apply the proposed regulations to all pending and future applications for leases by prospecting permittees, but will not reexamine leases that were issued prior to the effective date of these regulations.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Director (Code 210), Bureau of Land Management, 18th and C Sts., NW., Washington, D.C. 20240. Comments received before February 18, 1976, will be considered before final action is taken on this proposal. Copies of all written comments will be available for examination by interested parties upon requests.

Therefore the Department of the Interior proposes to amend 43 CFR Subparts 3520 and 3521 by revising § 3520.1–1 and by amending § 3521.1–1 by revising paragraph (b) and by adding paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) to read as follows:

§ 3520.1–1 Preference right leases.

(a) *Coal, phosphate, sodium, sulphur, and potassium* (1) The Secretary shall issue a lease to the holder of a prospecting permit issued for phosphate, sodium, sulphur or potassium, if the permittee shows to the Secretary that, within the term of the permit, he discovered a valuable deposit of the mineral for which the permit was issued, or for a prospecting permit issued for coal, if the permittee shows to the Secretary that he discovered commercial quantities of coal. (2) If the permit is for sodium, sulphur, or potassium, the Secretary may not issue a lease unless the permittee also shows that the land is chiefly valuable for the development of the mineral deposit discovered. (3) The lease shall be for all or part of the lands in a reasonably compact form.

(b) *Solid (hardrock) minerals.* A permittee who discovers any valuable deposits of minerals shall be entitled to a preference right lease for the mineral in any or all of the lands in the permit except as provided in § 3501.2–7 of this chapter.

(c) *Standards to determine "valuble deposit" and "commercial quantities".* A permittee has discovered commercial quantities of coal or a valuable deposit of one of the other permit minerals if the mineral deposit discovered under the permit is of such a character and quantity that a prudent person would be justified in the further expenditure of his labor and means with a reasonable prospect of success in developing a valuable mine. The permittee must present sufficient evidence to show that there is a reasonable expectation that his revenues from the sale of the mineral will exceed his direct costs of developing the mine, and extracting, removing, and marketing the mineral.

(d) *Applicability.* The standard in paragraph (c) of this section shall apply to all future applications for leases by prospecting permittees, and to applications pending on the effective date of this regulation. Leases which have been issued prior to that date may not be reexamined to determine whether they meet the standards in paragraph (c) of this section.

§ 3521.1–1 Forms.

* * * * *

(b) *Showing required.* The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that coal in commercial quantities or a valuable deposit of one of the other minerals covered by a permit was discovered before the permit expired. If the permittee intends to mine the deposit in the land covered by his permit as part of a logical mining unit in conjunction with related deposits, the permittee's showing may include the estimated revenues and costs of the combined mining venture. The application shall contain the following information:

(1) The quantity and quality of minerals discovered within the area included in the permit. The term "quantity of minerals" means only measured and indicated reserves:

(2) Estimated revenues;

(3) All the estimated direct costs that a prudent person would consider before deciding to operate a mine, including the cost of:

(i) Developing the mine;

(ii) Removing the mineral;

(iii) Processing necessary to place the mineral in a saleable condition;

(iv) Transporting the mineral product to the point of sale (f.o.b.);

(v) Applicable royalties and taxes; and

(vi) Complying with existing governmental regulations, reclamation and environmental standards, and proposed lease terms; and

(4) Comparison of estimated costs and estimated revenues.

(c) *Additional showing for permits issued for potassium, sodium, and sulphur.* In addition, if the prospecting permit was granted for sodium, sulphur, or potassium, the lease application shall also contain sufficient information to show that the land is chiefly valuable for the development of the mineral deposit discovered.

(d) *Amount of detail required.* The information submitted by the permittee shall be sufficient to enable the Secretary to ascertain whether the permittee's showing has a reasonable factual basis and supports his assertion that:

(1) He has found commercial quantities of coal if the permit was issued for coal; or

(2) He has found a valuable deposit of the minerals covered by the permit; and

(3) The land is chiefly valuable for the mineral deposit if the permit was issued for sodium, sulphur, or potassium.

(e) *Rental to be submitted.* The application must be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof except that:

(1) *Sulphur.* The application shall be accompanied by the first year's rental at the rate of 50 cents per acre or fraction thereof.

(2) *Solid (hardrock) minerals.* The application shall be accompanied by a payment of $1 for each acre or fraction thereof included in the application, but not less than $20.

(f) *Preparation of lease terms.* After the permittee submits his application for a lease, the Secretary shall prepare proposed lease terms and stipulations. If the permittee's application does not take into consideration the cost of complying with the proposed lease terms and stipulations, or if the application does not contain the information necessary to prepare lease terms, the Secretary shall request additional information under the procedures in paragraph (g) of this section.

(g) *Action if additional information is needed.* (1) If the permittee has not submitted the information this section requires, the Secretary shall inform the permittee of the omissions and shall give the permittee an opportunity to submit the necessary information. The request for additional information shall specify:

(i) The information the permittee has failed to provide; and

(ii) The date by which the permittee must submit the omitted information, but the Secretary shall allow no less than 60 days for a response.

(2) The Secretary may grant the permittee an extension of time to respond to a request for additional information if the permittee requests an extension before the expiration of the period originally stated.

(3) The Secretary shall reject the lease application if the permittee does not respond to a request for information on time.

(h) *Action if showing satisfactory.* The Secretary shall issue a lease to the permittee, if, after reviewing the lease application, the Secretary determines: (1) That the permittee has presented information that has a reasonable factual basis, and the information supports the permittee's assertion that:

(i) He has found coal in commercial quantities if the permit was issued for coal; or

(ii) He has found a valuable deposit of the mineral covered by the permit; and

(iii) If the permit was issued for sodium, sulphur, or potassium, that the land is chiefly valuable for the mineral deposit; and

(2) That the permittee has taken into account all the factors required by this section.

(i) *Basis for denial of a lease application.* The Secretary shall reject a lease application, if he determines that the evidence submitted by the permittee does not support his assertion that: (1) He found commercial quantities of coal if the permit was issued for coal; or

(2) He found a valuable deposit of the mineral covered by his permit; or

(3) If the permit was issued for sodium, sulphur, or potassium, the land is chiefly valuable for the mineral deposit.

(j) *Action if factual basis of application is questioned.* (1) If the permittee's information shows that he has made the required showing, but the Secretary has reason to believe that the permitee's information does not have a reasonable factual basis, he may:

(i) Reject the lease application; and

(ii) Inform the permittee of the grounds for the rejection; or

(iii) Request additional information under the procedures in paragraph (g) of this section.

(2) The permittee shall have a right to a hearing, if, within 30 days from the day when he receives a decision that rejects his lease application because it does not have a reasonable factual basis, he

files a notice of appeal and request for a hearing. The hearing request shall be in writing and shall be sent to the officer who issued the decision rejecting the lease application. The filing of the notice of appeal and request for hearing shall stay the decision that rejected the lease application. The hearing shall be held before an Administrative Law Judge in the Office of Hearings and Appeals, at a time and place set by the Department.

(3) At the hearing, the permittee shall have both the burden of going forward and the burden of proof, and must show by a preponderance of the evidence that he has discovered coal in commercial quantities, or a valuable deposit of one of the other minerals, and, if his application is for a sodium, sulphur, or potassium lease, that the land is chiefly valuable for the mineral deposit discovered.

(4) Any person adversely affected by the decision of the Administrative Law Judge may appeal the decision to the Interior Board of Land Appeals in accordance with procedures in 43 CFR Part 4.

Approved: January 14, 1976.

KENT FRIZZELL,
Under Secretary of the Interior.

[FR Doc.76-1423 Filed 1-16-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Proposed Regulations

Correction

In FR Doc. 75-35250 appearing at page 1078 in the issue of Tuesday, January 6, 1976, make the following changes:

1. On page 1079, column one, delete the second sentence of the second complete paragraph and insert "To be assured of consideration, written views, arguments, and data should be postmarked no later than February 15, 1976."

2. On page 1079, column one, change the second "225.1" in the table of sections to "225.2" so that the corrected section entry reads "225.2 Definitions."

3. On page 1079, column one, insert, after the first line of § 225.1, "prescribes the regulations under which".

4. On page 1079, column two, change the word "conditioned" in the second line of § 225.2(c) to "conditions".

5. On page 1079, column three, the first three lines of § 225.2(t) should read as follows:

§ 225.2 Definitions.

* * * * *

(t) "Residential summer camp" means a public or private nonprofit residential camp in which at least one-third of the * * *

* * * * *

6. On page 1081, column two, in the seventh line of § 225.7(a) change the word "from" to "free" so that the corrected line reads "serve all meals free and will make no".

7. On page 1081, column three, after the third line of § 225.7(d) insert "Child Care Food Program may also par-".

8. On page 1083, column one in the seventh line of § 225.10(b), the figure before the word "break-" should be changed to "a" so that the corrected line reads "administrative costs, 45 cents for a break-".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121; 129]

[Docket No. 15286; Notice No. 75-42]

AIRCRAFT SECURITY

Notice of Proposed Rule Making; Correction

In FR Doc. 76-253 appearing at page 1085 in the FEDERAL REGISTER of January 6, 1976, the Notice Number appearing on page 1085 is corrected to Notice No. 75-42.

Dated: January 9, 1976.

CHARLES E. ANDERSON,
Acting Chief Counsel.

[FR Doc.76-1426 Filed 1-16-76;8:45 am]

notices

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

DEPARTMENT OF STATE

[476]

CERTAIN FOREIGN PASSPORTS

Validity

Algeria is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of at least six months beyond the expiration date specified in the passport.

In addition, The Bahamas is now being listed as an independent country whose Government has also entered into an agreement with the Government of the United States which will permit the bearer of its passport to return to the Bahamas for a six-month period beyond the expiration date specified in the passport.

This notice amends Public Notice 375 of January 10, 1973 (38 FR 1224).

Dated: December 22, 1975.

[SEAL] LOREN E. LAWRENCE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.76-1439 Filed 1-16-76;8:45 am]

[Public Notice CM-6/6]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The State Department Advisory Committee on Transnational Enterprises will hold its third meeting on Thursday, February 5, at 9:30 a.m. in Room B of the Pan American Health Organization, 525 23rd Street, N.W., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the status of ongoing work in international fora related to Transnational Enterprises, including the United Nations, the Organization of Economic Cooperation and Development, and the Organization of American States. North-South Issues in general will also be reported on. Among the items on the agenda are:

1. State Department update of transnational enterprises issues in international organizations and North-South Issues in general.

2. Discussion of transnational enterprise issues in international organizations.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, Office of the Legal Adviser, 2201 C Street, NW., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the Pan American Health Organization.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: January 9, 1976.

STEPHEN R. BOND,
Executive Secretary.

[FR Doc.76-1523 Filed 1-16-76;8:45 am]

[Public Notice CM-6/7]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Meeting

The Government Advisory Committee on International Book and Library Programs is announcing its fifty-seventh meeting on February 12, 1976. The meeting is open to the public and will be held in Room 6320 in the Department of State, 2201 C Street, NW., Washington, D.C. from 9:00 a.m. to 5:30 p.m.

The agenda will include:

1. The proposed Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials.

2. A discussion on the implementation by the American book community of the Final Act of the Conference on Security and Cooperation in Europe.

3. Report of "Bookweek USA" in Nigeria, a seminar on publishing, librarianship and bookselling in Nigeria and the United States.

4. Report on discussions with Soviet publishers and officials regarding exchanges of book exhibits and publishing personnel between the U.S.S.R. and the United States.

5. Plans for May 1976 UNESCO Seminar on Promotion of the Reading Habit.

Members of the public may submit written comments to the Chairman prior to February 5, 1976. The Chairman will, as time permits, entertain all comments made by the public attending the meeting.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: (202) 632-2841.

Dated: January 9, 1976.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.76-1524 Filed 1-16-76;8:45 am]

[Public Notice CM-6/10]

SHIPPING COORDINATING COMMITTEE

Meeting

The working group on container operations of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, February 11, 1976, in Room 8334 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to prepare U.S. position documents for the Seventeenth Session of the Economic Commission for Europe (ECE) Group of Rapporteurs on Container Transport (GRCT) to be held in Geneva during the week of February 23, 1976. In particular, the working group will discuss the following topics:

Implementation of the International Convention for Safe Containers (CSC)
Harmonization of test procedures
Movement of military explosives in commercial containers
Such other business as may arise.

Requests for further information on the meeting should be directed to Mr. M. H. Allen, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1577.

The Chairman will entertain comments from the public as time permits.

Dated: January 14, 1976.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc.76-1565 Filed 1-16-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular]

PUBLIC DEBT SERIES—NO. 1-76

Interest Rate

JANUARY 14, 1976.

The Secretary of the Treasury announced on January 13, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 1-76, dated January 7, 1976, will be 7⅜ percent per annum. Accordingly, the notes are hereby redesignated 7⅜ Treasury Notes of Series D-1981. Interest on the notes will be payable at the rate of 7⅜ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-1475 Filed 1-16-76;8:45 am]

TREASURY CIRCULAR 1082

Revision

JANUARY 14, 1976.

Pursuant to the provisions of 5 U.S.C. 522, a proposed revision of Department of the Treasury Circular No. 1082 dated August 8, 1973 was published on Friday, November 21, 1975. (FEDERAL REGISTER Vol. 40, No. 226, FR 54378–54379.) Comments, suggestions or objections concerning the revision were solicited from the public. Having received no comments the revised Treasury Circular No. 1082 is herewith promulgated as published with the addition of the following language insertions:

Section 8(2)—"Discrepancy reports will be forwarded to the Department of the Treasury as applicable."

Section 9.B.(4)—"Where possible, through its Office of Audit, provide overview assistance in implementing and monitoring as required either by a Federal Agency or Treasury's Office of Budget and Finance."

The circular becomes effective on January 26, 1976.

WARREN F. BRECHT,
Assistant Secretary (Administration).

[FR Doc.76–1588 Filed 1–16–76;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

SHORELINE EROSION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel (SEAP) on 18–20 February 1976.

The meeting will be held at the Delta Towers Hotel, 1732 Canal Street, New Orleans, Louisiana, on 19 February 1976 from 0830 hours to 1630 hours, and on 20 February 1976 from 0815 hours to 1200 hours.

The 18 February 1976 session will be devoted to an aerial inspection of nominated demonstration sites from Galveston, Texas, along the Gulf Coast, to New Orleans, La. for SEAP members.

The 19 February 1976 formal session will be devoted to: Input to SEAP on Demonstration Devices and Methods, Input to SEAP on Recommended Demonstration Sites, and discussion by members of the Panel of methods for finally selecting and recommending demonstration sites, and decisions on actions to be taken by the Panel.

The February 20, 1976 morning session will be devoted to presentations and discussion by manufacturers of shore protection devices and methods followed by Panel discussion.

Time has been allocated for public participation at the 19 February 1976 session at 1600 hours, and at 1100 hours on the morning of 20 February 1976.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the meeting room in the Delta Towers Hotel limits public attendance to not more than 30 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged but limited to those times scheduled on the agenda; written statements may be submitted prior to or up to 30 days after the meeting.

Inquiries may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060, Telephone (202) 325–7000.

Dated: January 13, 1976.

By authority of the Secretary of the Army.

ROBERT G. FLOWERS,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.76–1435 Filed 1–16–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

CONTRACTS MANAGER

Redelegations of Authority

Redelegations of authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and last amended on January 5, 1976 (41 FR 785), are further amended by revising § 10.10 to read as follows:

10.10 *Contracts Manager.* Subject only to Section 10.4 above, the Contracts Manager is authorized to exercise the authority delegated to the Administrator to:

a. Execute contracts, amendments to contracts, and related transactions involving materials, equipment, services, construction, and clearing.

b. Authorize the publication of advertisements, notices, or proposals pursuant to Public Law 90–620 of October 22, 1968 (82 Stat. 1305, 44 U.S.C. 3702 (1970)).

c. Act as head of the procuring activity including authority to deviate from the requirements of the Federal Property and Administrative Services Act of 1949, as amended, and implementing regulations.

Dated: January 6, 1976.

RAY FOLEEN,
Deputy Administrator.

[FR Doc.76–1487 Filed 1–16–76;8:45 am]

Bureau of Land Management

ARIZONA STRIP DISTRICT ADVISORY BOARD

Regular Meeting

Notice is hereby given that the Arizona Strip District Advisory Board will hold a Regular Meeting at 9 a.m. on February 19, 1976 at the Four Season Motor Inn and Convention Center, 747 East St. George Boulevard, St. George, Utah.

The Agenda will include Navajo Tribe House Rock Valley application, California Edison right-of-way application, Bureau Planning System, and Advisory Board Funds.

The meeting is open to the public insofar as seating is available. Persons interests in appearing before the Board may file a written statement with the District Manager for consideration by the Board.

Dated: January 12, 1976.

GARTH M. COLTON,
District Manager.

[FR Doc.76–1520 Filed 1–16–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on February 3, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R., Lakeland, Florida 33802; telephone 813–682–3103.

Dated: January 15, 1976.

IRVING W. THOMAS,
Acting Administrator,
Agricultural Marketing Service.

[FR Doc.76–1687 Filed 1–16–76;8:45 am]

Commodity Credit Corporation

[Amdt. 8]

SALES PRICES FOR MILK

Sales of Certain Commodities; Monthly Sales List (Fiscal Year Ending June 30, 1976)

Correction

In FR Doc. 76–310 appearing at page 1094 in the issue of Tuesday, January 6,

1976 the third undesignated center heading should be changed to read as follows:

PRODUCED SEPTEMBER 1 THROUGH DECEMBER 31, 1974

Forest Service

CALLAHAN PLANNING UNIT MULTIPLE USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Callahan Planning Unit, Forest Service Report Number R1–75–1 USDA–FS–FES (Adm).

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Callahan Planning Unit, Troy Ranger District, Kootenai National Forest, and located in Lincoln County, Montana; Bonner and Boundary Counties, Idaho. The proposal affects approximately 54,391 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on 1/8/76.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.
USDA, Forest Service, Troy Ranger District, Troy Ranger Station, Troy, MT 59935.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.

Dated: January 9, 1976.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region.

[FR Doc.76–1517 Filed 1–16–76;8:45 am]

DIXIE NATIONAL FOREST TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Dixie National Forest, Utah. The Forest Service report number is USDA–FS–FES (Adm) R4–76–2.

The purpose of this environmental statement is to evaluate the overall effects of implementation of the timber management plan on the environment, society, and the economy. Alternative courses of action are presented.

Basically, the timber management plan establishes the level of harvest for the Forest and allocates this harvest to individual areas on the Ranger Districts.

This final environmental statement was transmitted to CEQ on January 9, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave., SW, Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Rm. 4403, Ogden, Utah 84401.
Forest Supervisor, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: January 9, 1976.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76–1519 Filed 1–16–76;8:45 am]

MEADOWS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Meadows Planning Unit, Payette National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–76–6.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Meadows Planning Unit on the Payette National Forest. The purpose of the plan is to allocate National Forest lands within the planning unit to specific uses and activities and resolve conflicts; establish objectives of management; meet the basic requirements of laws, regulations, and policies; document management direction, management decisions, and necessary coordination between resource uses; provide for the protection, use, and development of the various resources within the planning unit; and resolve the future status of several inventoried roadless areas.

This draft environmental statement was transmitted to CEQ on January 12, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, Ogden, Utah 84401.
District Ranger, McCall Ranger District, McCall, Idaho 83638.
District Ranger, New Meadows Ranger District, New Meadows, Idaho 83654.

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638. Comments must be received by March 12, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: January 12, 1976.

FRED J. WAGSTAFF,
Acting Director, Regional Planning and Budget.

[FR Doc.76–1518 Filed 1–16–76;8:45 am]

UINTA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Uinta National Forest Grazing Advisory Board will meet at 10 a.m. on Thursday, February 26, 1976, at the Rodeway Inn, 1292 South University Avenue, Provo, Utah.

The purpose of the meeting is to elect officers, plan summer field trip, discuss proposed raise in upper limit for number of cattle, and any other matters that may arise.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 1428, Provo, Utah 84601, phone 801–377–5780. Written statements may be filed with the board before or after the meeting.

The board has established the following rule for public participation: Persons may make statements at board meetings, but advance notice must be given to the Chairman.

Dated: January 9, 1976.

BRUCE B. HRONEK,
Forest Supervisor.

[FR Doc.76–1516 Filed 1–16–76;8:45 am]

Soil Conservation Service

OAK ORCHARD CREEK WATERSHED PROJECT, NEW YORK

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Oak Orchard Creek Watershed Project, Orleans and Genesee Counties, New York, USDA-SCS-EIS-WS-(ADM)-76-2 (F)-NY.

The EIS concerns a plan for watershed protection and flood control. The planned works of improvement provide for conservation land treatment, 100 structures for water control, and about 90 miles of channel work. The channel work will include approximately 40.5 miles of floodwater diversions to intercept upland flows, approximately 31.8 miles of floodways to carry water from the diversions to the main channels, and approximately 18.5 miles of main channels. Construction of the channels will follow the present alignment of existing manmade ditches; however, enlargement of the flow area will be necessary. Of the 90 miles of work proposed on existing streams or channels, 47 miles will involve those with only ephemeral flow, and 43 miles with intermittent flow.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 400, 700 East Water Street, Syracuse, New York 13210

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

Date: January 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.76-1434 Filed 1-16-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Result of Population Census

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, sex, and race, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semi-annually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following tables are the results of special censuses conducted since July 1, 1975, for which tabulations were completed as of December 1, 1975. Table 1 provides data for counties and municipalities which contracted with the Bureau, while Table 2 provides data for special censuses of selected counties which were taken at Bureau expense to provide an evaluation of the Bureau's post-1970 census population estimates program for small counties.

Dated: January 13, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

TABLE 1

State and place or special area	County	Date of census	Population
Alabama:			
Camden, town	Wilcox	Sept. 13, 1975	2,032
Fairfield, city	Jefferson	Sept. 11, 1975	12,976
Alaska:			
Homer, city	Kenai-Cook (inlet census division)	Aug. 18, 1975	1,538
Arizona:			
Florence, town	Pinal	July 14, 1975	2,926
Holbrook, town	Navajo	July 22, 1975	5,093
Payson, town	Gila	Sept. 9, 1975	2,890
Winslow, city	Navajo	do	7,663
Arkansas:			
Arkadelphia, city	Clark	Sept. 17, 1975	10,227
Benton, city	Saline	Aug. 8, 1975	16,724
Calion, city	Union	Sept. 17, 1975	544
Clinton, city	Van Buren	Aug. 14, 1975	1,162
England, city	Lonoke	July 7, 1975	2,977
Greenwood, city	Sebastian	July 16, 1975	2,466
Harrison, city	Boone	July 23, 1975	8,857
Hatfield, town	Polk	July 29, 1975	433
Hughes, city	St. Francis	Sept. 9, 1975	2,039
Star City, city	Lincoln	July 22, 1975	2,057
Strawberry, town	Lawrence	July 31, 1975	205
Wilson, town	Mississippi	Sept. 2, 1975	1,048
Idaho:			
Pinehurst, city	Shoshone	Aug. 25, 1975	2,167
Illinois:			
Alton, city	Madison	Aug. 11, 1975	35,741
Blue Island, city	Cook	Aug. 28, 1975	21,190
Bolingbrook, village	DuPage and Will	Aug. 18, 1975	28,188
Carol Stream, village	DuPage	Aug. 1, 1975	8,537
Caseyville, village	St. Clair	July 8, 1975	4,245
Cerro Gordo, village	Piatt	Aug. 1, 1975	1,466
Dupo, village	St. Clair	July 8, 1975	3,017
Frankfort, village	Will	Aug. 12, 1975	3,662
Glenview, village	Cook	July 2, 1975	30,551
Joliet, city	Will	Aug. 4, 1975	74,140
Morton, village	Tazewell	Aug. 26, 1975	13,243
Neoga, city	Cumberland	Aug. 22, 1975	1,507
Oak Forest, city	Cook	Aug. 7, 1975	22,220
Orion, village	Henry	July 28, 1975	1,912
Pawnee, village	Sangamon	July 18, 1975	2,444
Ruma, village	Randolph	July 28, 1975	196
Shorewood, village	Will	Aug. 12, 1975	3,287
Virden, city	Macoupin	July 21, 1975	3,778
Zion, city	Lake	Aug. 28, 1975	17,511
Indiana:			
Lowell, town	do	Sept. 30, 1975	5,305
Iowa:			
Adel, city	Dallas	July 22, 1975	2,771
Ankeny, city	Polk	Sept. 18, 1975	13,212
Blue Grass, town	Scott	Aug. 18, 1975	1,268
Eldridge, city	do	Aug. 11, 1975	2,624
Gilbert, city	Story	Sept. 16, 1975	715
Grinnell, city	Poweshiek	Aug. 28, 1975	8,685
Mediapolis, town	Des Moines	Aug. 5, 1975	1,550
Milo, town	Warren	Aug. 26, 1975	680
Slater, city	Story	Sept. 15, 1975	1,223
Storm Lake, city	Buena Vista	Sept. 16, 1975	8,580
Toledo, city	Tama	July 21, 1975	2,356
Waukee, town	Dallas	Aug. 19, 1975	2,005
Kentucky:			
Olive Hill, city	Carter	Aug. 5, 1975	2,059
Prospect, city	Jefferson	Aug. 11, 1975	1,834
Minnesota:			
Eagle Lake, city	Blue Earth	Aug. 4, 1975	1,010
Gilbert, city	St. Louis	Sept. 8, 1975	2,563
Lake Elmo, city	Washington	July 30, 1975	4,793
Maple Grove, city	Hennepin	Aug. 12, 1975	10,039
Pennington, county		Sept. 4, 1975	14,589
Renville, city	Renville	Aug. 11, 1975	1,438
Stuntz, township	St. Louis	Sept. 9, 1975	5,229
Mississippi:			
Burnsville, town	Tishomingo	Sept. 11, 1975	784

State and place or special area	County	Date of census	Population
North Dakota:			
Dickinson, city	Stark	Sept. 17, 1975	12,496
Hazen, city	Mercer	Aug. 25, 1975	1,558
Pennsylvania:			
Buckingham, township	Bucks	July 22, 1975	6,953
Fairview, township	Erie	July 28, 1975	7,175
Kutztown, borough	Berks	Sept. 17, 1975	4,369
London Grove, township	Chester	July 28, 1975	3,269
Manheim, township	Lancaster	Aug. 19, 1975	24,052
Newtown, township	Delaware	Aug. 12, 1975	11,954
Redbank Valley, school district	Armstrong and Clarion	do	3,937
Upper Marion, township	Montgomery	Aug. 26, 1975	26,056
Upper Providence, township	do	Aug. 25, 1975	8,422
West Goshen, township	Chester	Sept. 5, 1975	15,301
Whitehall, township	Lehigh	Sept. 9, 1975	21,127
Wyomissing Hills, borough	Berks	Sept. 15, 1975	2,036
Wisconsin:			
DeSoto, village	Crawford	Sept. 25, 1975	273
Hayward, city	Sawyer	Aug. 11, 1975	1,653
Wheaton, town	Chippewa	Aug. 25, 1975	2,153
Wyoming:			
Evansville, town	Natrona	Sept. 2, 1975	2,185

TABLE 2

State and county	Date of census	Population
California:		
Alpine County	Sept. 3, 1975	806
Colorado:		
Custer County	Aug. 7, 1975	1,166
Hinsdale County	Aug. 12, 1975	355
Mineral County	Aug. 9, 1975	802
San Juan County	Aug. 11, 1975	841
Idaho:		
Camas County	do	860
Clark County	Aug. 12, 1975	969
Nebraska:		
Arthur County	Aug. 21, 1975	565
Blaine County	Aug. 14, 1975	842
Grant County	Aug. 18, 1975	938
Hooker County	Aug. 14, 1975	991
Loup County	do	912
Logan County	do	1,031
McPherson County	Aug. 18, 1975	634
Thomas County	Aug. 14, 1975	968
Nevada:		
Eureka County	Sept. 2, 1975	1,076
Storey County	do	1,005
New Mexico:		
Harding County	Aug. 18, 1975	1,227
Texas:		
Borden County	Aug. 13, 1975	779
Glasscock County	Aug. 19, 1975	1,131
Irion County	Aug. 20, 1975	1,099
Jeff Davis County	Aug. 27, 1975	1,454
Kenedy County	Aug. 26, 1975	602
Kent County	Aug. 12, 1975	1,244
King County	Aug. 11, 1975	419
Loving County	Aug. 28, 1975	112
McMullen County	Aug. 25, 1975	845
Roberts County	Aug. 27, 1975	1,043
Sterling County	Aug. 18, 1975	1,037

[FR Doc.76-1401 Filed 1-16-76;8:45 am]

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL

Open Meeting

The second meeting of the President's Export Council Task Force on Export Promotion will be held from 9:00 AM to 4:30 PM daily on February 18-19, 1976, in Conference Room 4830 of the U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230.

The Council Task Force was established in accordance with the provisions of Executive Order 11753 of December 20, 1973 (38 FR 34983) and the Federal Advisory Committee Act. The objectives of the Task Force are to review export promotion programs and activities of the Department of Commerce and develop recommendations, including proposals for new programs, in this area for Export Council consideration.

The purpose of this meeting will be to receive presentations on export promotion programs and activities within the Domestic and International Business Administration and the Department of State, followed by an evaluation of the information by the Task Force.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Copies of minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Task Force may do so before or after the meeting.

Dated: January 14, 1976.

ROBERT G. SHAW,
Acting Deputy Assistant Secretary for International Commerce.

[FR Doc.76-1469 Filed 1-16-76;8:45 am]

ST. JOHN'S HOSPITAL ET AL

Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230 on February 9, 1976.

Amended regulations issued under cited Act, (40 F.R. 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00245. Applicant: St. John's Hospital, 1923 South Utica Avenue, Tulsa, Oklahoma 74104, article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom, Intended use of article: The article is intended to be used in studies of the human brain in vivo. Neurological patients will undergo a computerized axial tomography evaluation and research in the diagnosis of brain neoplasm will be carried out in an effort to improve the identification of tumor size, location and extent in primary and metastatic lesions. Studies will be made to compare the accuracy of computerized axial tomography with conventional neurological studies including invasive and non-invasive procedures such as arteriography, pneumoencephalography, and nuclear medicine scans. Computerized axial tomography will be utilized and undoubtedly be an invaluable tool in teaching of neuro-anatomy and neurological disorders and diseases to residents, interns, and medical students. Application received by commissioner of customs: December 24, 1975.

Docket number: 76-00246. Applicant: USC School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Balzers-HAF 301 High Vacuum Freeze Etch Unit and accessories. Manufacturer: Baltzers, Ltd., Switzerland. Intended use of article: The article is intended to be used to examine nerve tissue that has undergone various photoperiodic and histochemical treatments, specifically the interaction of cell connections, i.e., gap junctions, synapses and type junctions of cells in Manduca. Another aspect of research involves the phenomena of secretion of neurohormones. Freeze fracture techniques will be taught in graduate and medical school classes on histology and histochemistry. Application received by commissioner of customs: December 24, 1975.

Docket number: 76-00247. Applicant: Veterans Administration Hospital, South Sixth Avenue, Tucson, Arizona 85723. Article: Microelectrophoresis Apparatus. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used for the determination of electrophoretic mobilities of living cells, such as erythrocytes, lymphocytes, or other similar cells. Application received by commissioner of customs: December 24, 1975.

Docket number: 76-00248. Applicant: Bayfront Medical Center, Incorporated, 701 Sixth Street South, St. Petersburg, Florida 33701. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the training of resident physicians, nurses

and radiological technologists in the use and application of the EMI scanner system. Application received by commissioner of customs: December 24, 1975.

Docket number: 76-00249. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Route 9W, Palisades, New York 10964. Article: VG Micromass 903 Mass Spectrometer. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used mainly to analyze O^{18}/O^{16} and C^{13}/C^{12} ratios of very small samples of carbonate shell of organisms in the oceans and in the deep sea sediment cores with high precision and ease of operation. The article will also be used to determine the C^{13}/C^{12} and O^{18}/O^{16} of CO_2 and O_2 gas. In addition, the article is intended to be used in training students in the operation and use of the instrument as well as the interpretation of results. Application received by Commissioner of Customs: December 24, 1975.

Docket number: 76-00250. Applicant: University of Florida, Agricultural Research Center, Inst. of Food & Agri. Sciences, 3205 S.W. 70 Ave., Fort Lauderdale, Fla. 33314. Article: Glass micro-electrode puller, Model No. PE-2. Manufacturer: Narischige Scientific Instrument Lab., Japan. Intended use of article: The article is intended to be used for studying and identifying the insect vectors of lethal yellowing of coconut palms and for studying other vectors of plant diseases. Application received by Commissioner of Customs: December 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-1479 Filed 1-16-76;8:45 am]

EPA—WASHINGTON, D.C.

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00088-84-23500. Applicant: Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Article: Type 122 Noise Dosimeter, and Type 129 Calibrator. Manufacturer: Computer Engineering Labs., United Kingdom. Intended use of article: The article is intended to be used for gathering personal noise exposure levels within transportation systems.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant alleges in reply to Question 8 that a 60 decibel (dB) dynamic range (50-110 dB) is a pertinent feature of the article within the meaning of Subsection 301.2(n) of the regulations. The National Bureau of Standards (NBS) advises in its memorandum dated November 20, 1975 that the specification of a 60 dB range is pertinent to the applicant's intended end use. The most closely comparable domestic instrument is the model db 601 Sound Level Analyzer manufactured by Metrosonics, Incorporated (Metrosonics) equipped with a calibrator manufactured either by General Radio Company (GR) or by B&K Instruments, Incorporated (B&K). In this connection, the Department considers the db 601 and either of the above cited calibrators to be a reasonable combination of domestic instruments within the meaning of subsection 301.11(a) of the regulations. NBS further advises that the db 601 provides a dynamic range of 100 dB (20-120dB) which exceeds the dynamic range of the foreign article. Thus NBS finds that the db 601 equipped with a GR or B&K calibrator is scientifically equivalent to the foreign article for its intended purposes.

Based on the foregoing, the Department of Commerce finds that the domestic db 601 calibrator combination described above is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-1480 Filed 1-16-76;8:45 am]

NATIONAL INSTITUTE OF HEALTH

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materals Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00525-33-46040. Applicant: National Institute of Health, Laboratory of Biological Structure, National Institute of Dental Research, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: Electron Miscroscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine biological materials consisting of tissue cells, cell organelles, cell extracts, extracellular materials, microorganisms and viruses. The article will be used to study the morphology of the mineral constituents and their relationship to the organic framework. In-vitro and in-vivo studies are to be conducted to determine the relationship of at least 2 mineral phases in bone to each other in the presence or absence of various organic structures. Another project involves the study of the distribution of the 2 collagen types in different tissues and to gain an insight into their relative origins and function.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 15, 1974).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument is the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C has a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in Å, i.e., the lower the rating, the better the resolving capability. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 29, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that domestic instruments did not provide resolution equivalent to that of the foreign article at the time the foreign article was ordered. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-1481 Filed 1-6-76;8:45 am]

ROSWELL PARK MEMORIAL INSTITUTE ET AL.

Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and

Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975). (See especially Section 301.-11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00240–33–46500. Applicant: Roswell Park Memorial Institute, 666 Elm Street, Buffalo, New York 14203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the preparation of ultrathin sections which will be examined with particular respect to cell surface features in the following material: Cultural cells of human and animal origin, before and after malignant transformation by oncogenic viruses, and reversion of the transformed cells to normal *in vitro* behavioral pattern.

Application received by Commissioner of Customs: November 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: December 16, 1975.

Docket number: 76–00104–33–46500. Applicant: East Tennessee State University, Johnson City, Tennessee 37601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. Experiments to be conducted will include:

(1) An attempt to correlate the presence of C-type RNA virus with possible tumor formation in human tissues, and

(2) Investigation of the ultrastructure of the paraventricular (PVN) and supraoptic (SON) nuclei in the hypothalamus of rats with hereditary diabetes insipidus (Brattleboro strain) and comparison of these findings with control animals for differences which may be involved in neurosecretion.

The article will also be used in the courses entitled Electron Microscopy 5060 and Special Problems 5900 to introduce the graduate student to a variety of biological specimen preparation techniques, to operate the electron microscope, and to equip the graduate student with a research tool for advanced investigations. Application received by Commissioner of Customs: August 26, 1975. Advice submitted by the Department of Health, Education, and Welfare on: December 16, 1975.

Docket number: 76–00106–33–46500. Applicant: Cornell University Medical College, 525 E. 68th Street, New York, New York 10021. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in conducting experiments on the normal function of adrenergic neurons in mature and developing brains. These studies also include neuronal regeneration following brain lesions of noradrenergic pathways. Application received by Commissioner of Customs: August 26, 1975. Advice submitted by the Department of Health, Education, and Welfare on: December 16, 1975.

Docket number: 76–00118–46500. Applicant: University of Massachusetts Medical School, Department of Pathology, 55 Lake Avenue North, Worcester, Mass. 01605. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for experimental investigations concerning diseases of blood vessels in such diseases as atherosclerosis and hypertension, in aging and in inflammatory processes. These experiments include the study of normal blood vessels from young and old animals in order to ascertain changes due to age; and the study of pathological changes occurring in different types of vessels in diseases such as atherosclerosis and hypertension. In addition, the article is to be used for educational purposes in the following courses:

Cellular Pathology—To teach the most up-to-date concepts and techniques in the study of diseased cells and tissues.

Electron Microscopy—To introduce selected medical students to the basic approaches of electron microscopy. Application received by Commissioner of Customs: September 3, 1975. Advice submitted by the Department of Health, Education, and Welfare on: December 16, 1975.

Docket number: 76–00119–33–46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. Article: Ultracrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the ultrastructural examination of the morphology of Beta cells within pancreatic islets of Langerhans. Both normal and pathological structure will be investigated in pancreatic tissues from patients and experimental animals in an attempt to understand the structural mechanisms involved in the cellular secretion of insulin. In addition, future ultrastructural investigations may entail the examination of normal and pathological lens, nerve, retina, and kidney tissues, which are those tissues which exhibit manifestations of diabetic complications. Application received by Commissioner of Customs: September 3, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 76–1482 Filed 1–16–76: 8:45 am]

UNIVERSITY OF CALIFORNIA, LOS ALAMOS SCIENTIFIC LABORATORY

Duty-Free Entry of Mechanical Circulating Pumps

The following is a consolidated decision on applications for duty-free entry of Mechanical Circulating Pumps pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00064–75–68495. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: Mechanical Circulating Pump. Manufacturer. SRTI, France, Intended use of article: The article is intended to be used as a circulating device in a closed loop system which must be absolutely leak tight for purposes of containment of high radioactive gases as well as the prevention of contamination of these gases by air, oils, etc. All experiments are relative to the design and operation of an efficient deuterium-tritium distillation system together with associated pump, valves, pipes and tritium handling procedures and materials as an integral portion of the Intense Neutron Source (a national facility for radiation damage studies). Application received by Commissioner of Customs: July 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: December 22, 1975. Article ordered: March 5, 1975.

Docket number: 76–00083–75–68495. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Mechanical circulating pump. Manufacturer: SRTI, France. Intended use of article: The article is intended to be used for the separation of deuterium-tritium mixtures by low temperature distillation. Experiments to be conducted will include all experiments relative to the design and operation of an efficient deuterium-tritium distillation system together with associated pump, valves, pipes and tritium handling procedures and materials as an integral portion of the Intense Neutron Sources (a national facility for radiation damage studies). Application received by Commissioner of Customs: August 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: December 24, 1975. Article ordered: February 25, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article allows no introduction of impurities into the proposed research system either through lubricants or metal rubbing. The National Bureau of Standards (NBS) advises in its respectively cited memoranda that the specification described above is pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–1483 Filed 1–16–76;8:45 am]

UNIVERSITY OF MINNESOTA

Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (40 F.R. 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00235. Applicant: University of Minnesota, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigation of a broad variety of animal cells, tissues and viruses normal and pathologic conditions usually encountered in biomedical research (SIC). Current studies in progress include the following:

(1) Studies of Globoid leukodystrophy in Cairn terriers as a model of Krabbe's disease in human infants.

(2) A continuing study of the ultrastructure of periperal blood lymphocytes of leukemic and lymphocytotic cattle.

(3) Ongoing research of the pathogenesis and ultrastructural pathology of several viral diseases of domestic poultry.

The article will also be used in the training of Ph.D. candidates and postdoctoral research associates in the use of advanced electron microscopic techniques. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00236. Applicant: University of Rochester School of Medicine and Dentistry, 575 Elmwood Avenue, Rochester, New York 14642. Article: Semi-Micro Osmometer, Type M and accessories. Manufacturer: Knauer and Company, West Germany. Intended use of article: The article is intended to be used in studies of biological solutions (blood, urine, etc.), chemical solutions and colloidal dispersions. Specific use will be to measure osmolality of various radiological contrast medium preparations and resultant osmolality changes in animal biological fluids post injection. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00237. Applicant: The Salk Institute, 10010 North Torrey Pines Road, La Jolla, CA 92037. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in an interdisciplinary program of ultrastructural cytochemistry directed at the identification of synaptic neurotransmitter substances and at the mechanisms of synaptic transmission and synaptic plasticity. The article will also be used in the education of post-doctoral and pre-doctoral neuroscientists who will be instructed in the fixation and cytochemical reaction of the brain tissues and in the preparation of thin sections and electron microscope level autoradiographs, as well as in the operation and skillful employment of electron microscopy. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00238. Applicant: Smithsonian Institution, Ft. Pierce Bureau, Ft. Pierce, Florida 33450. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research on life histories of marine organisms which will include investigations of gametogenesis, development and larval metamorphosis of representative marine organisms. The article will be used as tool for the elucidation of specific aspects of these projects. In addition, the article will be used as an educational tool in training postdoctoral fellows in ultra

structural studies of reproduction and development of marine organisms. The trainees will be familiarized with principles and operation of the electron microscope and in interpretation of fine structure of gametes, embryos and larvae of marine organisms. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00239. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: Gas burner for fusing quartz tubes and accessories. Manufacturer: Autogenwerh Sirius, West Germany. Intended use of article: The article is intended to be used to heat fused quartz tubes in a quartz forming machine which is being constructed. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76-00240. Applicant: Kentucky Department of Agriculture, Diagnostic Laboratory, North Drive, Hopkinsville, Kentucky 42240. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to determine the presence of viral particles in tissue fluids and tissue culture fluids. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00241. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 808, 7000 East Avenue, Livermore, California 94550. Article: Scanning Electron Microscope, Model S180 and accessories. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the evaluation of a variety of different parts and materials used in the fabrication of laser fusion targets. These materials include glass, plastics, metals, organic crystalline solids and solidified gasses. The article will also be used by the Solid State Laser Group to evaluate the materials used in constructing solid state lasers. Specific objectives of the Target Fabrication Group will include: (a) evaluation of the surface topography and dimensions of various machined surfaces used for replication of complex shapes, (b) study of the surface finish, dimensional and physical properties of laser fusion target assemblies and materials used in target fabrication. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00242. Applicant: The Pennsylvania State University, Department of Biochemistry & Biophysics, 108 Althouse, University Park, PA 16802. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to perform experiments to elucidate the synthesis and calcification of bone matrix by bone cells, both in tissue culture and in intact animals. In addition, the article will be used in the course Biophysics 585, Biological Ultrastructure, to train graduate students for biomedical research. Application received by Commissioner of Customs: December 16, 1975.

Docket Number: 76–00243. Applicant: Colorado State University, Radiology CRHL, Foothills Campus, Fort Collins, Colorado 80523. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies concerned with correlation of ultrastructural and light microscopic morphologic alterations resulting from the effects of a single low dose of irradiation given in the perinatal period. Morphologic studies are supplemented by ancillary techniques of histochemistry and autoradiography. Application received by Commissioner of Customs: December 16, 1975.

Docket number: 76–00244. Applicant: Greenville Hospital System (Greenville General Hospital), 701 Grove Road, Greenville, South Carolina 29602. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of patients being evaluated for brain disorders of all varieties. These will include tumors, strokes, hemorrhages, and hydrocephalus. Specific use will include a comparative study of existing diagnostic modalities such as nuclear medicine scans, plain skull films, electroencephalograms and ultrasound with EMI Scans so that non-invasive measures can be used in cooperation with each other where there is a suspected brain disorder. EMI Scan results will also be used on excised tissue to determine absorption coefficients of different types of abnormalities of the brain. These results will be correlated with scans done on other patients so hopefully a more complete and accurate histologic diagnosis can be achieved. The article will also be used in the training of residents in surgery, internal medicine, and rotating interns as well as medical students. Application received by Commissioner of Customs: December 16, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–1484 Filed 1–16–76;8:45 am]

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) and section 8b(1) of OMB Circular No. A–63, announcement is made of the following Committee Meeting:

NAME: National Public Advisory Committee on Regional Economic Development.

DATE: February 19–20, 1976.

PLACE: Room 6802, Commerce Department, 14th Street and Constitution Avenue, NW., Washington, D.C.

TIME: 9:30 a.m.

PURPOSE OF MEETING: The Committee will review and consider studies discussed at the November meeting.

The meeting of the Advisory Committee is open to the public. Any member of the public is permitted to file a written statement with the Committee, before or after the meeting. To the extent that time permits, the Committee Chairman or the Committee may permit oral statements by members of the public to be presented at the meeting.

All communications in regard to this meeting or the Advisory Committee should be addressed to Miss Marina Gentilini, Office of the Deputy Assistant Secretary for Economic Development, Economic Development Administration, Department of Commerce, Room 7814, 14th Street and Constitution Avenue, Washington, D.C. 20230.

Dated: January 13, 1976.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.76–1558 Filed 1–16–76;8:45 am]

Maritime Administration

VESSELS ENGAGED IN OFFSHORE OIL AND GAS DRILLING OPERATIONS

Final Environmental Impact Statement; Notice of Availability

Notice is hereby given that copies of the U.S. Department of Commerce final environmental impact statement on the Maritime Administration Title XI program, which guarantees the obligations (notes, bonds, etc.) that are obtained in the private market by U.S. citizens for the construction of offshore drilling vessels, will be made available to the Council on Environmental Quality and to the public on January 19, 1976. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, Room 3895, Department of Commerce, Washington, D.C. 20230.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, International Trade Mart Building, No. 2 Canal Street, New Orleans, La. 70130.
Maritime Administration, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.
Maritime Administration, Great Lakes Regional Office, 666 Euclid Avenue, Room 600, Cleveland, Ohio 44114.

Any questions concerning the statement should be directed to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202/967–4335.

The final statement entitled, "Maritime Administration Title XI Vessels Engaged in Offshore Oil and Gas Drilling Operations", refers to floating drilling units and support vessels constructed under the Federal Ship Financing Program established pursuant to Title XI

of the Merchant Marine Act, 1936, as amended.

By order of the Assistant Secretary for Maritime Affairs.

Dated: January 15, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-1616 Filed 1-16-76;8:45 am]

Office of Energy Programs

NATIONAL INDUSTRIAL ENERGY COUNCIL

Public Meeting

A meeting of the Sub-Council on Program Development of the National Industrial Energy Council will be held on Friday, February 20, 1976, from 10:30 a.m. to 12 Noon, in Conference Room 3708, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Sub-Council will meet to consider the development, the organization, and objectives of the newly formed Sub-Council and to prepare a report to be submitted at the next full Council meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Intersted persons are also invited to file written statements with the Sub-Council before or after the meeting.

Persons who wish to attend the meeting should contact Mary K. Courtney at the Office of Energy Programs, Room 2011, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230—(202) 967-3535.

Dated: January 14, 1976.

JAMES V. SHIRCLIFF,
Executive Director,
National Industrial Energy Council.

[FR Doc.76-1559 Filed 1-16-76;8:45 am]

NATIONAL INDUSTRIAL ENERGY COUNCIL

Public Meeting

A meeting of the Sub-Council on Industry Programs of the National Industrial Energy Council will be held on Tuesday, February 17, 1976, from 10:30 a.m. to 12 noon, in Conference Room 4830, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Sub-Council will meet to consider the development, the organization, and objectives of the newly formed Sub-Council and to prepare a report to be submitted at the next full Council meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Interested persons are also invited to file written statements with the Sub-Council before or after the meeting.

Persons who wish to attend the meeting should contact Mary K. Courtney at the Office of Energy Programs, Room 2011, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230—(202) 967-3535.

Dated: January 14, 1976.

JAMES V. SHIRCLIFF,
Executive Director,
National Industrial Energy Council.

[FR Doc.76-1560 Filed 1-16-76;8:45 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet on February 17, 1976, at 9:30 a.m., in Room 4833, of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended. A detailed agenda for the meeting will be published in the FEDERAL REGISTER in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Media Services Division, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-4987) will respond to public requests for information about the meeting.

CREIGHTON HOLDEN,
Assistant Secretary for Tourism,
Department of Commerce.

[FR Doc.76-1668 Filed 1-16-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Dental Devices.	Feb. 2 and 3, 9 a.m., Room 5169, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Feb. 2, 9 to 10 a.m.; open committee discussion Feb. 2, 10 a.m. to 4 p. m.; open public hearing Feb. 3, 9 a.m. to 4 p.m.; D. Gregory Singleton, D.D.S. (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 031-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations on their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of pit and fissure sealants and oral implants to D. Gregory Singleton, D.D.S., executive secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Discussion of current literature concerning cyanoacrylates; discussion of electrosurgical unit standard; discussion of subcommittee formation; discussion of the classification of pit and fissure sealants and ultraviolet lights.

Committee name	Date, time, and place	Type of meeting and contact person
2. Psychopharmacological Agents Advisory Committee.	Feb. 5 and 6, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 5, 9:30 to 10:30 a.m.; open committee discussion Feb. 5, 10:30 a.m. to 12:30 p.m.; closed committee deliberations Feb. 5, 2 to 4:30 p.m.; open committee discussion Feb. 6, 9:30 a.m. to 1 p.m.; Stephen C. Groft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of antipsychotic guidelines—box warning for long term use of antianxiety and antidepressant drugs; hypnotic drug guidelines.

Closed committee deliberations. Discussion of Lorazepam NDA 17–794. This portion of the meeting will be closed to permit the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
a. Panel on Review of General and Plastic Surgery Devices.	Feb. 5, 8 a.m., Room 1137, HEW–N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 8 a.m. to 3:30 p.m.; Mark F. Parrish, Ph. D. (HFK–400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations on their regulation.

Agenda—Open public hearing. The general and plastic surgery panel has made a preliminary classification of the following devices into the Class II regulatory category—standards: arterial grafts, biological and synthetic; electrosurgical units and accessories; endoscopes, fiberoptic. Following this preliminary recommendation, an interpanel ranking of devices has resulted in the placement of the above devices among those judged by all classification panels to most urgently require the development of standards.

The panel, having made their preliminary recommendations, wishes now to reexamine the above listed devices, specifically addressing: (1) any potential for hazard in their use and their efficacy and (2) whether the development of standards will be an effective and appropriate method to reduce potential hazards and ensure the efficacy of these devices.

The panel invites the participation of representatives of the concerned medical devices industries.

Committee name	Date, time, and place	Type of meeting and contact person
3. Ophthalmic Drugs Advisory Committee.	Feb. 9, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 3:30 p.m.; closed committee deliberations 3:30 to 4:30 p.m.; Mary K. Bruch (HFD–140), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4310.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in diseases of the eye.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of alternative plans for post-marketing surveillance of new contact lenses; review of approved guidelines (clinical and manufacturing) for new contact lenses; clinical use of fluorescein strips.

Closed committee deliberations. Discussion of subjects in agenda for open session. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with agency operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Pediatric Subcommittee of the Psychopharmacological Agents Advisory Committee.	Feb. 9, 8:30 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing 8:30 a.m. to 5:30 p.m.; Julius C. Cinque (HFD–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3800.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Discussion of phenothiazines for the nonmentally retarded; pediatric guidelines report; long term protocol report; uniform labeling of neuroleptics; and atarax review. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Feb. 10 and 11, 10 a.m., Room 121, NIH, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Feb. 10, 10 to 11 a.m.; open committee discussion Feb. 10, 11 a.m. to 2:30 p.m.; closed committee deliberations Feb. 10, 2:30 to 4:30 p.m., Feb. 11, 10 a.m. to 4:30 p.m.; Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing/open committee discussion. Presentation and discussion of previous meeting's minutes; review and discussion of communications received; comments and presentations from interested persons on issues pending before the committee; continued presentations of staff members on the bureau's hepatitis program.

Closed committee deliberations. Discussion of panel report on bureau's hepatitis program; discussion of panel report on the safety and effectiveness of licensed viral

and rickettsial vaccines. This portion of the meeting will be closed to permit the free exchange of internal views, formulation of recommendations, and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
6. FDA/NIDA Drug Abuse Research Advisory Committee.	Feb. 12, 8:30 a.m., Billings Auditorium, National Library of Medicine, National Institutes of Health, Bethesda, Md.	Open public hearing 8:30 to 9:30 a.m.; open committee discussion 9:30 a.m. to 12:30 p.m.; closed committee deliberations 1:30 to 5 p.m.; John A. Scigliano, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

General function of the committee. Advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institute on Drug Abuse on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of scientific merit of research protocols; reordering of Schedule I substances for approved INDs; instructions for licensure, drug procurement and IND submissions; expediting advisory committee minutes release to public; meeting dates for calendar year 1976; "Toxline" and "The Toxicology Data Bank"; and report on "Chronic Cannabis Use" conference.

Closed committee deliberations. Review of IND applications (new and amendments); review of preclinical staff action. This portion of the meeting will be closed to permit the free exchange of internal views, to avoid undue interference with committee operations, and to permit the formulation of recommendations (5 U.S.C. 522(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Dermatology Advisory Committee.	Feb. 17, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 2:30 p.m.; closed committee deliberations 2:30 to 4:30 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of dermatology.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the use of Psoralens ultraviolet light in treatment of psoriasis.

Closed committee deliberations. Use of Psoralens and ultraviolet light in the treatment of psoriasis. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with agency operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Endocrinology and Metabolism Advisory Committee.	February 19 and 20, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 19, 9 to 10 a.m.; open committee discussion Feb. 19, 10 a.m. to 12 m.; closed committee deliberations Feb. 19, 1 to 4 p.m.; closed presentation of data Feb. 20, 9:30 a.m. to 12 m.; closed committee deliberations Feb. 20, 1 to 4 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Proposed labeling for lipid lowering drugs; review of proposed guidelines for lipid-lowering drugs, Phases I through III; FDA objectives of Phase IV lipid-lowering drug investigations.

Closed presentation of data. Presentation by the sponsor on IND 11-200 (European Chemicals Co., Inc.). The committee will consider the drug's safety and efficacy, which involves the discussion of individual patient's response to therapy. This portion of the meeting will be closed to protect the confidentiality of medical files (5 U.S.C. 552(b)(6)).

Closed committee deliberation. This portion of the meeting will be closed to permit the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Obstetrical and Gynecology Devices.	Feb. 23 and 24, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 23, 9 to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 4 p.m.; open public hearing Feb. 24, 9 to 10 a.m.; open committee discussion Feb. 24, 10 a.m. to 12 m.; closed committee deliberations Feb. 24, 1 to 3 p.m.; Lillian Yin, Ph. D. (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the development of specific performance standards of those devices that have been tentatively classified in the standards category.

Open committee discussion. The panel will identify specific device hazards and will consider specific performance standards for those devices that have been classified in the standards category. Dr. Melvin Sikov will report to the panel on the Biologic Effects of Ultrasound Subcommittee meeting of January 22 and 23, 1976.

Closed committee deliberations. The panel will discuss and deliberate the Biologic Effects of Ultrasound Subcommittee's recommendations on the classification of the obstetrical-gynecological diagnostic ultrasound devices. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552 (b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: January 14, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-1455 Filed 1-16-76;8:45 am]

[Docket No. 75F-0348]

DOW CHEMICAL U.S.A.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3121) has been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, proposing that § 121.2629 Acrylonitrile/styrene copolymer (21 CFR 121.2629) be amended to provide for the safe use of an additional acrylonitrile/styrene copolymer produced by polymerization of 46–65 parts by weight of acrylonitrile and intended to contact all foods.

It has been determined that the proposed uses, other than as bottles intended to hold beer and carbonated beverages, will not have a significant environmental impact. The use of plastic bottles for beer and carbonated beverages has been reviewed for an environmental impact statement issued by the Food and Drug Administration on April 14, 1975. The notice of availability of the statement appeared in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708). Comments on that statement are currently being reviewed for a final environmental impact statement, which is being prepared. The proposed use of this copolymer to include beer bottles is considered covered by the draft statement and the final impact statement under preparation. The environmental impact analysis report and other material relevant to the use of the copolymer for purposes other than bottles for beer and carbonated beverages have been reviewed. It has been determined that these proposed uses of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours Monday through Friday.

Dated: January 8, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-1452 Filed 1-16-76;8:45 am]

[Docket No. 75F-0363]

WHITTAKER COATINGS AND CHEMICALS

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3076) has been filed by Whittaker Coatings and Chemicals, P.O. Box 825, Colton, CA 92324, proposing that § 121.2514 Resinous and polymeric coatings (21 CFR 121.2514) be amended to provide for the safe use of polyester resins modified with triethylene glycol and epoxy resins modified with benzoic acid and succinic anhydride as components of coatings intended to contact only alcoholic beverages containing less than 8 percent alcohol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 8, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-1454 Filed 1-16-76;8:45 am]

[Docket No. 75F-0367]

WITCO CHEMICAL CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3159) has been filed by Witco Chemical Corp., Organics Division, 400 North Michigan Ave., Chicago, IL 60611, proposing that § 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 121.2526) be amended to provide for the safe use of calcium isostearate and *n*-decyl alcohol as adjuvants or modifiers of aqueous calcium stearate dispersions intended for use as components of coatings for paper and paperboard in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 8, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-1451 Filed 1-6-76;8:45 am]

INDIAN EDUCATION ACT

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 303(b) of the Indian Education Act, Title IV, Part A of Pub. L. 92-318, as amended by Title VI, Part C of Pub. L. 93-380 (20 U.S.C. 241aa-241ff), applications are being accepted from schools, located on or near a reservation, which are non-local educational agencies or are local educational agencies which have not been local educational agencies for more than three years. Section 303(b) authorizes the Commissioner to provide financial assistance to such applicants for programs designed to meet the special educational needs of Indian students. Assistance may be used for the purposes of planning and developing elementary and secondary school programs and for meeting costs incurred in connection with the establishment, maintenance, and operation of such programs.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 27, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.551. 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 February 23, 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 and 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 Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from: Office of Indian Education, Division of Special Projects, Part A, U.S. Office of Education, Room 3514, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Multiple year grants.* Applicants may submit applications for projects which will require more than one year for completion. Consideration will be given to providing support for projects of two to three years on a case-by-case basis. Where assistance is provided for multiple-year projects, grant awards will be made for grant periods of a single year's duration with continuation awards subject to satisfactory performance, the availability of funds in future fiscal years, and continued benefit to the Office of Education.

E. *Application regulations.* Awards under Section 303(b) of the Act will be subject to the requirements of the Act and to relevant provisions of 45 CFR Part 186. Assistance under this program also is subject to applicable provisions in 45 CFR Part 100a. Criteria for the selection of applications are contained in 45 CFR 100a.26(b) and in 45 CFR 186.33. (20 U.S.C. 241bb(b))

(Catalog of Federal Domestic Assistance Number 13.551; Indian Education—Grants to Non-LEAs (Part A))

Dated: January 14, 1976.

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

[FR Doc.76-1566 Filed 1-16-76;8:45 am]

SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 314 of Pub. L. 89-750, as amended by Title IV, Part C of Pub. L. 92-318 and Title VI, Part A of Pub. L. 93-380 (20 U.S.C. 1211a), applications are being accepted:

(1) From State and local educational agencies and Indian tribes, institutions, and organizations for planning, pilot, and demonstration projects as set forth in 45 CFR 183.5(a). The Office of Education is interested in receiving proposals in the areas described below. However, proposals in these areas will be evaluated on the same basis and under the same criteria as other proposals and no priority or special consideration will be given to proposals in these areas.

AREAS OF INTERESTED TO THE OFFICE OF EDUCATION

(a) Programs designed to increase the number of persons who will graduate from continuing education projects which utilize materials designed to provide socially supportive skills, and which

confer a General Equivalency Certificate.

(b) Programs to develop, test, and implement innovative and effective educational models and teaching strategies for achieving literacy and high school equivalency. The Office of Education is particularly interested in such projects which focus on curriculum development, teaching techniques, or adult equivalency testing.

(2) From public agencies and institutions and Indian tribes, institutions, and organizations for dissemination and evaluation projects as set forth in 45 CFR 188.5(b).

Applications must be received by the U.S. Office of Education Application Control Center on or before March 3, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.536. 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 February 27, 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 and D Streets, SW., 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 Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Special Projects and Programs, Office of Indian Education, U.S. Office of Education, Room 3514, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Multiple year grants.* Applicants may submit applications for projects which will require more than one year for completion. Consideration will be given to providing support for projects of two to three years on a case-by-case basis. Where assistance is provided for multiple year projects, grant awards will be made for grant period of a single year's duration with continuation awards subject to satisfactory performance, the availability of funds in future fiscal years, and continued benefit to the Office of Education.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for Financial Assistance for the Improvement of Educational Opportunities for Adult Indians, 45 CFR 188.

(20 U.S.C. 1211a)

(Catalog of Federal Domestic Assistance Number 13.536; Indian Education—Adult Education)

Dated: January 14, 1976.

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

[FR Doc.76-1567 Filed 1-16-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Advisory Council on Women's Educational Programs will be held from 2:00 p.m. to 6:00 p.m. on February 4, and from 9:00 a.m. to 5:00 p.m. on February 5 and 6, 1976, at the St. Francis Hotel, Union Square, San Francisco, California.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 Section 408 (f)(1). The Council is mandated to (a) advise the Commisisoner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure and appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Council will be open to the public. The agenda for the meeting will include (1) staff and committee reports; (2) statements by representatives of private and public educational programs; and (3) discussion of Council priorities and work plans.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, N.W., Washington, D.C.

Signed at Washington, D.C. on January 14, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-1501 Filed 1-16-76;8:45 am]

National Institutes of Health

DIVISION OF RESEARCH GRANTS

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Biomedical Communications Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54602).

The Biomedical Communication Study Section was to have convened at 9:00 a.m. on January 22-23, 1976, but has been changed to 9:00 a.m. on January 23, 1976, at Building 31, Conference Room 9, Bethesda, Maryland, the same location for which it was originally scheduled.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on January 23, 1976.

Dated: January 12, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76-1626 Filed 1-16-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-76-398]

ASSISTANT SECRETARY FOR ADMINISTRATION, ET AL.

Delegation of Authority

HUD has recently acomplished a reorganization of the procurement function under the Assistant Secretary for Administration. Consistent with this reorganization the delegations and redelegations with respect to procurement functions are hereby updated to reflect these changes. A revocation of HUDPR Sections, 41 CFR 24-1.009-2, 41 CFR 24-2.406-3 and 4 is being published concurrently with this document.

Section A. *Authority delegated.* The Assistant Secretary for Administration is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to all purchase and procurement matters except:

1. Making related determinations under 302(c)(11) with respect to purchases and procurement contracts in excess of $25,000 and under section 302(c)(12) and (13) of the Federal Property and Administrative Services Act, (41 U.S.C. 252(c)(11), (12) and (13)).

2. Entering into and administering purchases and procurement contracts and make related determinations with respect to the property disposition programs.

3. Entering into and administering purchases and procurement contracts for temporary housing with respect to disaster relief activities under 42 U.S.C. 4401 and 42 U.S.C. 5121 note.

4. Making administrative determinations under 41 CFR 1-2.406-3 and 1-2.406-4.

Section B. *Authority to issue rules and regulations.*

1. The Assistant Secretary for Administration may issue HUD procurement regulations (HUDPR) and may authorize deviations from FPR and HUDPR in individual cases and classes of cases consistent with 41 CFR 1–1.009.

2. The Director, Office of Procurement and Contracts may authorized deviations from FPR and HUDPR in individual cases consistent with 41 CFR 1–1.009.

Section C. *Authority delegated.* The Director, Office of Procurement and Contracts is authorized to make administradeterminations under 41 CFR 1–2.406–3 and 1–2.406–4.

Section D. *Redelegation of authority.* The Assistant Secretary for Administration is authorized to redelegate to employees of the Department any of the authority delegated under Section A, and make such designations as may be appropriate in accordance with this Section D.

Section E. *Supersedure.* This delegation of authority supersedes the designations and delegations of authority from:

1. The Secretary to the Director, Office of General Services, published at 32 F.R. 4548, March 25, 1967.

2. The Secretary to the Assistant Secretary for Administration, published at 33 F.R. 4593–4594, March 15, 1968.

3. The Secretary to the Director, Contracts and Agreements Division, published at 39 F.R. 1298, January 7, 1974.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority shall be effective on January 9, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76–1467 Filed 1–16–76;8:45 am]

[Docket No. D–76–399]

DIRECTOR, OFFICE OF PROCUREMENT AND CONTRACTS DIRECTOR, PROCUREMENT AND CONTRACTS POLICY AND EVALUATION STAFF, ET AL. AND REGIONAL ADMINISTRATORS AND ASSISTANT REGIONAL ADMINISTRATORS FOR ADMINISTRATION

Designations and Redelegations of Authority

Section A. *Authority redelegated.* The Director, Office of Procurement and Contracts, is designated as Chief Officer responsible for procurement, as a Contracting Officer and Purchasing Agent, and is authorized to:

1. Enter into and administer all purchases and procurement contracts for property and services and make related determinations thereto under sections 302(c) (1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1 through 15)), except:

a. Making related determinations under 302(c)(11) with respect to purchases and procurement contracts in excess of $25,000 and under section 302(c)(12) and (13) of the Federal Property and Administrative Services Act, (41 U.S.C. 252(c)(11), (12) and (13)).

b. Entering into and administering purchases and procurement contracts and make related determinations with respect to the property disposition programs.

c. Entering into and administering purchases and procurement contracts for temporary housing with respect to disaster relief activities under 42 U.S.C. 4401 and 42 U.S.C. 5121 note.

2. Enter into and administer Interagency Agreements with all other Federal agencies.

3. Make administrative determinations that procedures for the consideration of late proposals set forth in 41 CFR 1–802–1 are not applicable to a specific class of negotiated procurements conducted by the Department.

Sec. B. *Authority redelegated.* The Director, Procurement and Contracts Policy and Evaluation Staff; the Director, Research and Demonstrations Division; the Director, Administrative Support Division; the Director, Procurement and Grants Division; and the Special Assistant to the Director, Office of Procurement and Contracts; each is designated as a Contracting Officer and Purchasing Agent and is authorized to:

1. Enter into and administer all purchases and procurement contracts for property and services and make related determinations thereto under sections 302(c)(1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(1 through 15)), except:

a. Making related determinations under 302(c)(11) with respect to purchases and procurement contracts in excess of $25,000 and under section 302(c)(12) and (13) of the Federal Property and Administrative Services Act, (41 U.S.C. 252(c)(11), (12) and (13)).

b. Entering into and administering purchases and procurement contracts and make related determinations with respect to the property disposition programs.

c. Entering into and administering purchases and procurement contracts for temporary housing with respect to disaster relief activities under 42 U.S.C. 4401 and 42 U.S.C. 5121 note.

2. Enter into and administer Interagency agreements with all other Federal agencies.

Sec. C. *Authority redelegated.* Each Regional Administrator, Assistant Regional Administrator for Administration, Regional Director of General Services and Regional Purchasing Agents are authorized to enter into and administer purchases and procurement contracts for property and services for the Department not to exceed $10,000 on an individual basis under section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)) except purchases and contracts for Property Disposition Programs.

Sec. D. *Supersedure.* 1. The designation and redelegation of authority in Section A supersedes the designations and redelegations of authority from (a) the Director, Office of General Services to the Director, Contracts and Agreements Division, published at 32 F.R. 4548–4549, March 25, 1967; and (b) the Director, Contracts and Agreements Division to the Deputy Director, Contracts and Agreements Division, published at 32 F.R. 10276, July 12, 1967.

2. The designations and redelegations of authority in Section B supersede the designations and redelegations of authority from the Director, Contracts and Agreements Division to the Supervisory Contracts Specialist, Contracts and Agreements Division, Office of General Services, published at 38 F.R. 3212, February 1, 1973.

(Sec. 205(c) of the Federal Property and Administrative Services Act, as amended, 40 U.S.C. 486(c); FPR 1–1.008; Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. These designations and redelegations of authority shall be effective on January 9, 1976.

THOMAS G. CODY,
Assistant Secretary for Administration.

[FR Doc.76–1468 Filed 1–16–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75–245]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE—TASK GROUP ON LIQUEFIED GAS FACILITIES

Cancellation Meeting

On January 6, 1976, the Coast Guard published a Notice of Open Meeting of the Chemical Transportation Industry Advisory Committee's Task Group on Liquefied Gas Facilities in the FEDERAL REGISTER (41 FR 1111). That meeting, scheduled for January 21 and 22, has been cancelled.

Dated: January 15, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–1589 Filed 1–16–76;8:45 am]

National Highway Traffic Safety Administration

ROHR INDUSTRIES, INC.

Denial of a Petition To Commence Rulemaking

This notice sets forth the reason for denial of a petition for rulemaking to initiate or amend a Federal motor vehicle safety standard promulgated under authority of § 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with § 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days,

and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

Rohr Industries, Inc. (September 25, 1975). Petition to amend Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to delete the requirement for front identification lamps in the case of "urban transit buses". Rohr's petition was denied because the present triple light arrangement for the identification of wide and often slow-moving vehicles has been used for many years and is therefore more readily recognized as wide vehicle identification than are the route and destination signs found on the fronts of some buses.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on January 14, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-1561 Filed 1-16-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and § 800.6(g) of the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on February 4-5, 1976, in Washington, D.C. The entire meeting is open to the public.

The Advisory Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665) to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the General Services Administrator, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

The meeting will begin at 9:30 a.m., Wednesday, February 4, 1976, in Room 2008, New Executive Office Building, 17th & H Streets, NW, Washington, D.C. On Thursday, February 5, 1976, the Council meeting will resume at 9:30 a.m., in the Secretary's Conference Room, Room 5160, U.S. Department of the Interior, 18th & C Streets, NW, Washington, D.C.

The agenda for the meeting includes the following:

I. Report of the Executive Director.
II. Report of the Office of the Legal Counsel.
III. Report of the Office of Intergovernmental Programs and Planning.
IV. Report of the Office of Review and Compliance.
V. Member—Staff Workshops.
VI. Committee Reports.
VII. Other Business.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Director, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street, NW, Washington, D.C. 20005 (202) 254-3974.

Dated: January 15, 1976.

ROBERT R. GARVEY, JR.
Executive Director.

[FR Doc.76-1424 Filed 1-16-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27914]

TOURIST ENTERPRISES CORP. "ORBIS", ET AL.

Hearing

In the matter of Tourist Enterprises Corporation "Orbis" d./b./a. Orbis Polish Travel Bureau, Inc., and d./b./a. Pargiello Services, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on October 30, 1975 (40 F.R. 42044, September 10, 1975), will be held on February 18, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1975 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served August 5, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 13, 1976.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.76-1510 Filed 1-16-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON FROM SPAIN

Cancelling Export Visa Requirement

JANUARY 9, 1976.

On February 12, 1971, there was published in the FEDERAL REGISTER (36 FR 2944) a letter dated February 5, 1971 from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing a visa requirement for cotton textiles and textile products, produced or manufactured in Spain and exported to the United States. The purpose of this notice is to advise that, inasmuch as the Bilateral Cotton Textile Agreement of December 18, 1970, between the Governments of the United States and Spain, expired on December 31, 1975, the visa requirement established pursuant to that agreement is also being terminated.

Accordingly, 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 cancelling the directive of February 5, 1971.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on January 9, 1976, the directive of February 5, 1971 from the Chairman, President's Cabinet Textile Advisory Committee, which directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Spain, for which the Government of Spain had not issued an appropriate export visa.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain 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 action, 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.76-1461 Filed 1-16-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

JAUNARY 14, 1976.

On February 11-12, 1976, the High Energy Physics Advisory Panel will meet at the Energy Research and Development Administration, 20 Massachusetts Avenue, NW., Washington, D.C. The meeting will be held on the 7th Floor in Room 7B on February 11, and on the 6th Floor in Room 6C on February 12. The portion of the meeting which will be open to the public will begin at 10:00 a.m. and end

at approximately 5:30 p.m. on February 11 and will resume at 9:00 a.m. and end at approximately 11:30 a.m. on February 12.

The Panel will review and discuss the status of new facilities, discuss international collaborations in high energy physics, discuss manpower and employment prospects in high energy physics, examine the current status of budget requests, and review the highlights of the 1976 annual meeting of the American Physical Society.

In addition to the public sessions, two (2) executive sessions of the Panel are scheduled. The first executive session will occur Wednesday morning prior to the beginning of the open session, and the second executive session will begin at 11:30 a.m. on Thursday and continue until the end of the meeting at approximately 4:30 p.m. Topics to be discussed at these executive sessions are the future allocation of resources for operations, priorities among proposed future construction projects and other similar matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics for discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than January 23, 1976, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, DC 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the etxent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 10, 1976, to the office of the Executive Secretary of the Panel on (301) 973-3624 between 8:30 a.m. and 5:00 p.m. Eastern Time.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW, Washington, DC, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-1496 Filed 1-16-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 470-2]

NEW YORK

Marine Sanitation Device Standard for Lake George

On August 26, 1975, notice was published that the State of New York 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 Lake George, situated in Warren, Washington, and Essex Counties, New York.

The information submitted to me certifies that pump-out facilities for removal of sewage from vessels have been available on Lake George since 1972. Such information indicates that there are eight such facilities, located in the areas of maximum use, having an estimated aggregate capacity of 700 vessels per day, assuming each operates for a period of 10 hours daily. According to the New York petition, approximately 1,200 vessels which require these facilities operate on the Lake. The petition certifies that the capacity of these facilities is ample to handle any peak period of vessel traffic on Lake George; moreover, each facility is either connected to a municipal waste collection system or has its own approved sub-surface disposal system.

According to the State, the eight facilities are located at the Lake George Boat Co., Fishers Marina, Mooring Post Marina, Topaz Marina, Yard Arm Marina, Hall's Boat Corp., Lake George Public Boat Dock, and Mossy Point. Such marinas can variously accommodate boats with draughts from 4.5 feet to 20 feet. The times during which these marinas operate are sufficient to accommodate all periods of vessel traffic on Lake George.

The Agency has received no comments in opposition of the New York petition on the merits.

Following an examination of the petition and supporting information, and a consideration of all comments received pursuant to the August 26 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 Lake George, situated in Warren, Washington, and Essex Counties, New York. 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.76-1418 Filed 1-16-76;8:45 am]

[FRL 479-3; OPP-33000/346, 7, 8, 9, 350]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Pursuant to this policy, EPA hereby gives notice of receipt of the applications for pesticide registration listed below. The proposed labeling and any supporting test data citations submitted by the applicant are available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M St. SW, Washington DC 20460.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970 is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administration and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

All applicants will be required to submit an offer to pay statement for data (1) which may be relied upon in support of an application for registration and (2) which was submitted to the Agency on or after January 1, 1970, by another applicant or registrant.

The Interim Policy Statement requires that claims for compensation be filed on or before March 19, 1976. With the exception of 2(c) applications which were received by the Agency prior to August 4, 1975, and for which a 60 day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or

the determination of reasonable compensation.

Dated: January 12, 1976.

JOHN B. RITCH, Jr.,
Director
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/346)

EPA Reg. No. 241–243. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. PROWL HERBICIDE. Active Ingredients: [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] 43.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 783–13. Grace-Lee Products Inc., 1414 Marshall NE, Minneapolis MN 55413. 3-WAY PF. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylene-diamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasillicate anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 4090–3. Gulf Oil Chemicals Co., 9009 W. 67th St., Merriam KS 66202. CARBYNE WILD OAT HERBICIDE. Active Ingredients: Barban (4-chloro-2-butynyl m-chlorocarbanilate) 12.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 2224–LE. Mobil Chemical, PO Box 26683, Richmond VA 23261. MODOWN HERBICIDE WETTABLE POWDER. Active Ingredients: Bifenox [Methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate] 75%. Method of Support: Republished—Application proceeds under 2(b) rather than 2(c) of interim policy. PM24

EPA File Symbol 1553-RNR. Momar Incorporated, 1830 Ellsworth Dr., Atlanta GA 30301. MOMAR NO MOW II WEED AND GRASS KILLER. Active Ingredients: Lithium Salt of Bromacil (5-Bromo-3 Secbutyl-6-methyluracil) 5.475%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 12488–L. Norman Chemical Co., 1630 Carroll Ave., St. Paul MN 55104. SWIMMING POOL ALGAECIDE 965. Active Ingredients: n-Alkyl (60% C12, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 8(b) of interim policy. PM24

EPA Reg. No. 1258–840. Olin Chemicals, 120 Long Ridge Rd., Stamford CT 06904. ZINC OMADINE. Active Ingredients: Zinc 2-pyridinethiol 1-oxide 95%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM33

EPA File Symbol 10742–RE. Prinova Co., Inc., 982 Terminal Way, San Carlos CA 94070. LADRIN ECOLLO CLEAN. Active Ingredients: n-Alkyl (60% C12, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasillicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 694–RU. Task Master Products, N. 1402 Ash St., Spokane WA 99210. C–D–S. Active Ingredients: n-Alkyl (50% C12, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylenediamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

CORRECTED ITEM

The following is a correction to the list of Applications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 30948–E. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. SCM–400 WEED KILLER AND GROUND SEMI STERILANT. Active Ingredients: Sodium Chlorate 18.0% (originally published as sodium chloride); Sodium Metaborate (Anhydrous) 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25 (40 FR 52084)

APPLICATIONS RECEIVED (OPP—33000/347)

EPA File Symbol 241–ELN. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE WILD OAT HERBICIDE. Active Ingredients: Difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) 31.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 1021–RGGA. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. PATIO SPRAY MADE FROM D-TRANS INTERMEDIATE 2050. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.15%; Piperonyl butoxide, technical 0.75%; 2-Hydroxyethyl-*n*-octyl sulfide 1.42%; Related compounds 0.08%; Petroleum distillate 6.60%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 1021–RGTE. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. D-TRANS INTERMEDIATE 2063. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 5.93%; Petroleum distillate 5.82%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 682–OE. Woods Industries Inc., dba Crop King Chemical, PO Box 1016, Yakima WA 98907. TYON TPP-W. Active Ingredients: Silvex 3.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

APPLICATIONS RECEIVED (OPP–33000/348)

EPA File Symbol 6125–EL. Bixon Chem. Co., Div. of A.S.L. Enterprises, 50–19 97th Place, Corona NY 11368. ALGAECIDE N.A.P. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EUA File Symbol 34692–G. CSC Equipment Supply Co., 3805 Tally Rd., Richmond VA 23228. SUPER CENCENTRATE ALGAECIDE. Active Ingredients: Poly(oxythylene (dimethyliminio) ethylene(dimethyliminio)ethylene dichloride) 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38026–E. Chem. Control, Inc., PO Box 423, Twinsburg OH 44087. MICRO-40. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38026–E. Chem Control, Inc., PO Box 423, Twinsburg OH 44087. MICRO–60. Active Ingredients: Poly(oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 239–2186. Chevron Chem. Co., 940 Hensley St., Richmond CA 94801. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 38024–U. H. B. Cover, Inc., PO Box 546, Branchville NJ 07826. SA 102L. Active Ingredients: Poly(oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 30824–R. H. B. Cover, Inc. SA 103L. Active Ingredients: Poly(oxyethylene (dimenthyliminio) ethylene (dimethyliminio) ethylene dichloride) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38024–G. H. B. Cover, Inc. SA 101L. Active Ingredients: Poly(oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38024–E. H. B. Cover, Inc. SA 100L. Active Ingredients: Poly(oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride) 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 677–313. Diamond Shamrock Corp., Agricultural Chem. Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM21

EPA Reg. No. 432–536. S. B. Penick & Co., Commercial Dev. Dept., 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382/BIOALLETHRIN AQUEOUS PRESSURIZED SPRAY FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM17

EPA Reg. No. 432–452. S. B. Penick & Co YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM17

EPA Reg. No. 432–542. S. B. Penick & Co. YOUR BRAND SBP–1382/BIOALLETHRIN (.20%+.40%) AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related Compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.272%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM17

APPLICATIONS RECEIVED (OPP–33000/349)

EPA Reg. No. 1677–56. Economics Laboratory, Inc., Klenzade Div., Osborn Bldg., St. Paul MN 55102. KLENZADE ACID SANITIZER. Active Ingredients: Phosphoric Acid 22.00%; Sodium Dodecylbenzene sulfonate 2.75%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 270–107. Farnam Co., Inc., 2230 East Magnolia St., Phoenix AZ 85036. FARNAM ROLL-ON FLY REPELLENT. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide Technical 1.00%; Di-n-propyl-isocinchomeronate 1.00%; N-octyl-bicycloheptene dicarboximide 0.40%; Pine oil 4.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM17

EPA File Symbol 675–UN. National Laboratories, Lehn & Fink Industrial Products Div., of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. CARPESAN SANITIZING-DEODORIZING CARPET SHAMPOO. Active Ingredients: Isopropyl Alcohol 11.0%; o-benzyl p-chlorophenol 4.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 432–536. S. B. Penick & Co., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382/BIOALLETHRIN AQUEOUR PRESSURIZED SPRAY FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM17

EPA Reg. No. 432–492. S. B. Penick & Co., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN (Containing Petroleum distillate). Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM17

EPA File Symbol 18035–RO. Private Label Chemicals, Inc., 2280 Terminal Rd., St. Paul MN 55113. P–359 BOWL CLEANER, HOUSEHOLD. Active Ingredients: Hydrochloric Acid 9.00%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.75%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 18035–RI. Private Label Chemicals, Inc., 2280 Terminal Rd., St. Paul MN 55113. P–357 BOWL CLEANER, INDUSTRIAL. Active Ingredients: Hydrogen Chloride 23.98%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.75%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 1043–TR. Vestal Labs. Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VES–PHENE–L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 15057–0. Vitex Chemical, Inc., 5000 Track Rd., Cleveland OH 44127. VITEX NO–ALG. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

CORRECTED ITEMS

The following are corrections to the list of Applications Received previously published in the FEDERAL REGISTER:

EPA File Symbol 1529–EU. GAF Corp., 140 W. 51st St., New York NY 10020. BIOPEL NR–I. (Originally published with incorrect file symbol). PM34 (40 FR 55900)

EPA File Symbol 37785–E. Ray W. Hawksley Co., Inc., 220 Cutting Blvd., Richmond CA 94804. BIOCIDE SERIES 301. (Originally published with incorrect file symbol). PM34 (40 FR 55900)

EPA File Symbol 37879–E. San Joaquin Chemicals Inc., 4684 E. Hedges Ave., Fresno CA 93703. SANACIDE 2013. (Originally published with incorrect address). PM34 (40 FR 55900)

EPA File Symbol 37879–R. San Joaquin Chemicals Inc., 4684 E. Hedges Ave., Fresno CA 93703. SANACIDE 2015. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. (Originally published with incorrect address and product name). PM34 (40 FR 55900)

EPA File Symbol 37644–R. Wasco Products Inc., 831 S. State College Blvd., Anaheim CA 92806. JIFFY FORMULA PLUS WATER BED CONDITIONER. (Originally published with incorrect file symbol). PM34 (40 FR 55900)

APPLICATIONS RECEIVED (OPP–33000/350)

EPA File Symbol 12041–RR. A & V Inc., PO Box 211, Butler WI 53007. AV CONCENTRATED ACID DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 37370–E. American Water Purification, 1025 Contra Costa Blvd., Pleasant Hill CA 94523. MINI–SILVERATOR PORTABLE WATER TREATMENT SYSTEM. Active Ingredients: Silver (as silver metal, silver oxide, silver chloride) 1.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 35980–R. Atlantic & Pacific Research, Inc., PO Box 14366, North Palm Beach FL 33408. SM–3. Active Ingredients: Cytokinins 0.0001%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 475–ENA. Boyle-Midway, Inc., South Ave. & Hale St., Cranford NJ 07016. RIDZ PERSONAL INSECT REPELLENT. Active Ingredients: Hexamethylene Carbamide 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 1560–RR. Century Chemical Products Co., Inc., 3380 W Eleven Mile Rd., Berkley MI 48072. WINTER–PRUF "D"–40. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.50%; Ethyl Alcohol 0.10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1324–I. Du-Rite Chemical Co., Inc., 3564 Bladensburg Rd., Brentwood MD 20722. TAHITIAN ALGAECIDE 3000. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1324–0. Du-Rite Chemical Co., Inc., 3564 Bladensburg Rd., Brentwood MD 20722. TAHITIAN WATER GUARD 2000. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1529–EG. GAF Corp., 410 W. 51st St., New York NY 10020. BIOPAN NR–II. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly-(oxyethylene) iodine complex (Providing 1.75% of titratable iodine) 23.75%; Phosphoric Acid 6.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 38051–R. Hydrc-Chem, 630 Barrie Ave., Flint MI 48507. HC–18. Active Ingredients: Poly[oxyethylene-dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35923–RU. Kel-Glo Corp., 54 Northeast 73rd St., Miami FL 33138. ANTI-FOULING PAINT 418 RED. Active Ingredients: Bis(tributyltin) Adipate 20.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35923–RT. Kel-Glo Corp., HARD VINYL COPPER ANTI-FOULING PAINT 414 RED. Active Ingredients: Cuprous Oxide 51.86%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35923–RR. Kel-Glo Corp. SEMI-HARD COPPER ANTI-FOULING PAINT 424 GREEN. Active Ingredients: Cuprous Oxide 51.23%; Bis(tributyltin) Adipate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35923–RN. Kel-Glo Corp. COPPER ANTI-FOULING PAINT 402 RED. Active Ingredients: Cuprous Oxide 48.94%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35923–EE. Kel-Glo Corp. SEMI-HARD COPPER ANTI-FOULING PAINT 401 RED. Active Ingredients: Cuprous Oxide 32.54%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35923–EG. Kel-Glo Corp. KEL-GLO TRI-BUTYLTIN ADIPATE. Active Ingredients: Bis(Tributyltin) Adipate 98%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 4584–53. Gem, Inc., 1 Gem Blvd., Byhalia MS 38611. AEROCOS. Active Ingredients: Isopropanol 59.16%; Orthophenylphenol 0.10%; Orthobenzyl para-chlorophenol 0.10%; 4-chloro-3,5-Xylenol 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 675–UR. Lehn & Fink Industrial Products Div., of Sterling Drug Inc., 225 Summit Ave., Toledo OH 43612. TERGISAN NR CHLORINATED SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate (provides 3.0% available chlorine) 5.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4581-EOU. Agchem Div., Pennwalt Corp., PO Box 1297, Tacoma WA 98401. HYDROTHOL 191 RICE HERBICIDE Active Ingredients: Mono (N,N-dimethylalkylamine) salt of endothall 11.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 34285-E. Union Chemical & Oil Co., 3211 S. Wood St., Chicago IL 60608. PEERCOL ALGAECIDE LIQUID TYPE 2. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 9420-U. Water Chemists, Inc., 1275 S. Boyle Ave., Los Angeles CA 90023. ALGICIDE 106L. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23%; Potassium N-methyldithiocarbamate 5.83%; Ethylenediamine 1.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76-1419 Filed 1-16-76;8:45 am]

[FRL 479-4; PF 26]

PESTICIDE PETITIONS

Filing

Pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration:

PP 6F1713. E. I. duPont De Nemours & Co., Wilmington DE 19898. Proposes amending 40 CFR 180.209 by (1) increasing established tolerance for residues of the herbicide terbacil (3-tert-butyl-5-chloro-6-methyluracil) in or on the raw agricultural commodity mint hay (peppermint and spearmint) from 0.1 to 1 part per million (ppm) and (2) expanding the tolerance to include both the parent terbacil and its hydroxylated metabolites (calculated as terbacil). Proposed analytical method for determining residues is one in which the pesticide and its hydroxylated metabolites are silanized with trimethylchlorosilane. The resulting derivative is determined by gas chromatography using a microcoulometric detector. PM25

PP 5F1707. E. I. duPont De Nemours & Co. Proposes amending 40 CFR 180.294 to establish a tolerance for the combined residues of the fungicide Benomyl (methyl 1-(butylcarbamoyl) - 2-benzimidazole-carbamate) and its metabolites containing benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity carrots at 0.2 ppm. Proposed analytical method for determining residues is to utilize cation exchange liquid chromatography. PM22

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW, Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 12, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-1420 Filed 1-16-76;8:45 am]

[OPP-50057; FRL-479-6]

U.S. BORAX RESEARCH CORPORATION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to U.S. Borax Research Corporation, Anaheim, California 92801. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1624-EUP-19) allows the use of 1,789 pounds of the herbicide N3, N3-Di-*n*-propyl-2,4-dinitro-6 - (trifluoromethyl) - *m*-phenylenediamine on cotton, soybeans, apricots, peaches, plums, almonds, and grapes to evaluate control of various broadleaf weeds and grasses. A total of approximately 3,000 acres is involved; the program is authorized only in the States of Alabama, Alaska, Arizona, California, Georgia, Illinois, Indiana, Iowa, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas. The experimental use permit is effective from December 22, 1975, to December 22, 1976. Temporary tolerances have been established for residues of the active ingredient in or on cottonseed, soybeans, apricots, peaches, plums, almonds, and grapes.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 14, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-1525 Filed 1-16-76;8:45 am]

[OPP-33000/351/352/353 and 354; FRL 479-7]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Pursuant to this policy, EPA hereby gives notice of receipt of the applications for pesticide registration listed below. The proposed labeling and any supporting test data citations submitted by the applicant are available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M St. SW, Washington DC 20460.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

All applicants will be required to submit an offer to pay statement for data (1) which may be relied upon in support of an application for registration and (2) which was submitted to the Agency on or after January 1, 1970, by another applicant or registrant.

The Interim Policy Statement requires that claims for compensation be filed on or before March 19, 1976. With the exception of 2(c) applications which were received by the Agency prior to August 4, 1975, and for which a 60 day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation.

Dated: January 14, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/351)

EPA File Symbol 1730-UU. Consumer Products Div., American Cyanamid, 859 Berdan Ave., Wayne NJ 07470. FORMULA 76 CLEANER DISINFECTANT. Active Ingredients: Pine Oil 20.0%; Isopropanol

16.0%; n-Alkyl (C14 60.0%; C16 30.0%; C12 5.0%; C18 5.0%) dimethyl benzyl ammonium chlorides 1.125%; n-Alkyl (C12 50.0%; C14 30.0%; C16 17.0%; C18 3.0%) dimethyl ethyl benzyl ammonium chlorides 1.125%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 464–320. Dow Chemical Co., PO Box 1706, Midland MI 48640. TORDON 10K PELLETS HERBICIDE. Active Ingredients: Picloram (4-amino-3,5,6-trichloropicolinic acid) potassium salt 11.6%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Uses. PM25

EPA Reg. No. 1471–55. Elanco Products Co., Div. Eli Lilly Co., PO Box 1750, Indianapolis IN 46206. BALAN LIQUID CONCENTRATE. Active Ingredients: N-butyl-N-ethyl-*a,a,a*-trifluoro-2,6-dinitro-*p*-toluidine 19.4%. Method of Support. Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 569–TN. Haver-Lockhart Labs, Div. Bayvet Corp., PO Box 30, Shawnee KS 66201. SENDRAN TICK AND FLEA DIP CONCENTRATE FOR DOGS AND CATS. Active Ingredients: *O*-Isopropoxyphenyl methylcarbamate 8%. Method of Support—Republished: Application proceeds under 2(b) rather than 2(c) of interim policy. PM12

EPA File Symbol 33370–L. Morton Herman Co., 207 W. Univ. Dr., Arlington Hgts. IL 60067. WHITE PINE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine oil 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 3647–G. Orcon Organic Control Products, 5132 Venice Blvd., Los Angeles CA 90019. ORCON BIOCIDE. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per miligram. At least 6.75 billion viable spores per gram. 0.86%. Method of of interim policy. PM17

EPA File Symbol 05736–LT. Orcon Organic Control Products, 5132 Venice Blvd., Los Angeles CA 90019. PROFESSIONAL STRENGTH. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate) 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1043–TG. Vestal Laboratories, Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. 1 STROKE ENVIRON L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chlorophenate 9.3%; tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 1043–TU. Vestal Laboratories, Div. Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. ENVIRON L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 5815–GG. Wegro Inc., PO Box 189, Grand Rapids OH 43522. CRABGRASS PREVENTER. Active Ingredients: benefin (N-butyl-N-ethyl-*a,a,a*-trifluoro-2,6-dinitro-p-toluidine) 2.86%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 20954–U. Zoecon Corp., 975 Calif. Ave., Palo Alto CA 94304. ENSTAR 5E. Active Ingredients: [2-propynyl(*E,E*)-3,7,11 - trimethyl - 2,4 - dodecadienoate] 65.3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added Uses. PM17

APPLICATIONS RECEIVED (OPP–33000/352)

EPA File Symbol 11515–AG. ABC Chemical Corp., 14288 Meyers Rd., Detroit MI 48227. ABC CHEMICAL CORPORATION DELUXE WINTERGREEN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Isopropanol 35.00%; Essential Oils 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3125–210. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 39%. Method of Support—Republished: Application proceeds under 2(b) rather than 2(a) of interim policy. PM16

EPA Reg. No. 1471–96. Elanco Products Co., PO Box 1750, Indianapolis IN 46206. ELANCO SURFLAN 75W. Active Ingredients: Oryzalin (3,5-dinitro-N4,N4-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Reduction in rate of application of product on crops. PM25

EPA File Symbol 11273–RI. Sandoz, Inc., PO Box 1489, Homestead FL 33030. THURICIDE 400M GRANULES. Active Ingredients: Bacillus Thuringiensis Berliner, potency of 880 International Units (at least 1.3 million viable sports) per milligram. 0.176%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 476–2056. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. DYFONATE 4–E EMULSIFIABLE LIQUID INSECTICIDE. Active Ingredients: O-ethyl *S*-phenyl ethyphosphonodithioate 44.6%; Petroleum hydrocarbon solvent 44.9%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added Uses. PM15

EPA Reg. No. 476–2134. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. DYFONATE r–EC EMULSIFIABLE LIQUID INSECTICIDE. Active Ingredients: *O*-ethyl *S*-phenyl ethylphosphonodithioate 47.3%; Petroleum hydrocarbon solvent 42.1%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added Uses. PM15

EPA 1043–TL. Vestal Laboratories, Div. Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL 89L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetracacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

APPLICATIONS RECEIVED (OPP–33000/353)

EPA Reg. No. 275–29. Agriculture & Veterinary Product Div., Abbott Labs., North Chicago IL 60054. DIPEL LC. Active Ingredients: Bacillus thuringiensis, Berliner 40000 International Units of potency per mg. (at least 6.25 billion viable spores per g) 0.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 275–18. Agriculture & Veterinary Products Div., Abbott Labs., North Chicago IL 60064. DIPEL WP AND CHLORDIMEFORM. Active Ingredients: Bacillus thuringiensis, Berliner, 16,000 International Unit of Potency per mg. (at least 25 billion viable spores per g) 3.2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional uses. PM17

EPA File Symbol 37433–R. Catalytic Generators, Inc., 700 Boundary Ave., Chesapeake VA 23324. ETHY-GEN CONCENTRATE. Active Ingredients: Ethyl Alcohol 83.36%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 239–2296. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO CHICKWEED, SPURGE & OXALIS KILLER. Active Ingredients: Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 15.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM23

EPA Reg. No. 239–1393. Chevron Chemical Co. ORTHO CHICKWEED & CLOVER KILLER. Active Ingredients: Isooctyl ester of silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 13.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM23

EPA Reg. No. 239–599. Chevron Chemical Co., ORTHO WEED–B–GON. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 17.8%; Isooctyl ester of silvex [2 - (2,4,5 - trichlorophenoxy) propionic acid] 8.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM23 Republished: Revised Offer to Pay Statement submitted. PM23

EPA Reg. No. 239–2403. Chevron Chemical Co. ORTHO WEED-B-GON FOR SOUTHERN GRASSES. Active Ingredients: Isooctyl ester of 2-(2-Methyl-4-chlorophenoxy) propionic acid 17.74%; Methyl 2-chloro-9-hydroxyfluorenc - 9 - carboxylate 2.70%; Methyl 9-hydroxyfluorene-9-carboxylate 0.65%; Methyl 2,7-dichloro-9-hydroxyfluorene-9-carboxylate 0.49%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM23

EPA Reg. No. 239–2425. Chevron Chemical Co. WEED-B-GON LAWN WEED KILLER. Active Ingredients: Butoxy propyl esters of 2,4-Dichlorophenoxyacetic acid 21.4%; Butoxy propyl esters of silvex [2-(2,4,5-Trichlorophenoxy) propionic acid] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Reivsed Offer to Pay Statement submitted. PM23

EPA File Symbol 38076–R. Custom Industries, 6374 Alder, Houston TX 77036. POLYKILL #110. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithio carbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA Reg. No. 677–315. Diamond Shamrock Chemical Co., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DACONIL 2787 FLOWABLE FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 279–2712. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM17

EPA File Symbol 2224–LE. Mobil Chemical, PO Box 26683, Richmond VA 23261. MODOWN HERBICIDE WETTABLE POWDER. Active Ingredients: Bifenox [Methyl 5-2,4 - dichloro-phenoxy) - 2 - nitrobenzoate] 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM25

EPA File Symbol 524–308. Monsanto Agricultural Products Co., 800 Lindbergh Blvd., St. Louis MO 63166. ROUNDUP. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM25

EPA File Symbol 201–GTI. Shell Chemical Co., a Div. of Shell Oil Co., Agricultural Div., 1025 Conn. Ave., NW., Washington DC 20036. ACCEL PLANT GROWTH REGULATOR. Active Ingredients: N-(phenylmethyl) - 9 - (tetrahydro-2H-pyran-2-yl) - 9H-Purin-6-amine 1.3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised Offer to Pay Statement. PM25

EPA File Symbol 476–ERTL. Stauffer Chemical Co., S. 47th St., Richmond CA 94804. DEVRINOL 50–WP ORNAMENTAL. Active Ingredients: 2-(Alpha-Naphthoxy)-N,N-Diethylpropionamide 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 476–ERTG. Stauffer Chemical Co. DEVRINOL 2–E ORNAMENTAL. Active Ingredients: 2-(Alpha-Naphthoxy)-N,N-Diethylproprionamide 21.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 476–ERTA. Stauffer Chemical Co. DEVRINOL 10–G ORNAMENTAL. Active Ingredients: 2-(Alpha-Naphthoxy)-N,N-Diethylproprionamide 10.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM25

EPA File Symbol 476–ERTU. Stauffer Chemical Co. DEVRINOL 2–E GARDEN AND HOME. Active Ingredients: 2-(Alpha-Naphthoxy) - N,N - Diethylpropionamide 21.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 38073–R. Techsearch Co., Inc., Box 961, 180 Central Park South, New York NY 10019. QUICK SAND KILLS ROACHES. Active Ingredients: Silicon Dioxide 3%, Silica Gel 1.25% S.B.P. 1382 (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.25%; Related compounds 0.034%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 3696–IN. Texize Chemicals Co., PO Box 368, Greenville SC 29602. 3645 SPRAY DISINFECTANT CLEANER. Active Ingredients: Isopropyl alcohol 7.0%; Tetrasodium ethylenediamine tetraacetate 0.9%; Sodium o-benzyl-p-chlorophenate 0.3%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1624–104. United States Borax and Chemical Co., 3075 Wilshire Blvd., Los Angeles CA 90010. COBEX. Active Ingredients: Diethamine (N3,N3-Diethyl-2,4-dinitro- 6 -(trifluoromethyl)-m-phenylene diamine 25%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM24.

APPLICATIONS RECEIVED (OPP–33000/354)

EPA File Symbol 275–GR. Agricultural and Veterinary Products Div., Abbott Labs., North Chicago IL 60064. DIPEL SC. Active Ingredients: *Bacillus thuringiensis*, Berliner 9000 International Units of potency per mg. (at least 14 billion viable spores per g) 1.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 7969–UA. BASF Wyandotte Corp., 100 Cherry Hill Rd., Parsippany NJ 07054. BASALIN. Active Ingredients: Fluchloralin [*N*-(2-chloroethyl)-*a,a,a*-trifluoro - 2,6 - dinitro-*N*-propyl-*p*-toluidine] 45.1%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 239–1663. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO DIQUAT WATER WEED KILLER. Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1,2-a:2',1'-C) pyrazinediium dibromide] 35.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 32695–L. Dale Alley Co., 222 Sylvanie St., St. Joseph MO 64502. 13–10 MINERAL MIX MEDICATED (CONTAIN RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.19%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 34697–R. Demasa Ltd., 1445 Begin, Ville St. Laurent, Quebec, Canada HHR IV8. TRU-SAN AUTOMATIC TOILET WATER SANITIZER. Active Ingredients: 1,3-dichloro-5, 5-dimethyl-hydantoin 100%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM33

EPA Reg. No. 279–2712. FMC, Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran granular 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM12

EPA File Symbol 35923–RT. Kel-Glo Corp., 54 Northeast 73rd St., Miami FL 33138. FISHERMAN'S MATE HARD VINYL COPPER ANTI-FOULING PAINT 414 RED. Active Ingredients: Cuprous Oxide 51.86%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 35923–RR. Kel-Glo Corp. CARIB SEMI-HARD COPPER ANTI-FOULING PAINT 424 GREEN. Active Ingredients: Cuprous Oxide 51.23%; Bis(tributyltin) Apidate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 35923–EE. Kel-Glo Corp. SHRIMP BOAT SEMI-HARD COPPER ANTI-FOULING PAINT 401 RED. Active Ingredients: Cuprous Oxide 32.54%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 35923–RO. Kel-Glo Corp. TIN-CLAD HARD VINYL COPPER ANTI-FOULING PAINT 426 RED. Active Ingredients: Cuprous Oxide 48.44%; Bis(tributyltin) Adipate 3.05%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EDA File Symbol 35923–RN. Kel-Glo Corp. AWARD COPPER ANTI-FOULING PAINT 402 RED. Active Ingredients: Cuprous Oxide 48.94%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 35923–RU. Kel-Glo Corp. SEA-TIN BIS(TRIBUTYLTIN) APIDATE ANTI-FOULING PAINT 418 RED. Active Ingredients: Bis(tributyltin) Adipate 20.04%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA File Symbol 35923–EG. Kel-Glo Corp. KEL-GLO TRI-BUTYLTIN ADEPATE. Active Ingredients: Bis(tributyltin) Adipate 98%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM24

EPA Reg. No. 524–308. Monsanto Co., Agricultural Div., 800 N. Lindbergh Blvd., St. Louis MO 63166. ROUNDUP HERBICIDE BY MONSANTO. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM28

EPA Reg. No. 1258–842. Olin Chemical, Specialty Products Dept., Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. SODIUM OMADINE POWDER INDUSTRIAL BIOCIDE. Active Ingredients: Sodium 2-pyridinethiol 1-oxide 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised Offer to Pay Statement submitted. PM33

EPA Reg. No. 476–2028. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. DYFONATE 20.G GRANULAR INSECTICIDE. Active Ingredients: O-Ethyl *S*-Phenyl Ethylphosphonidithioate 20.0%. Method of Support changed from 2(c) to 2(a) of interim policy. PM15

EPA Reg. No. 476–2030. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. DYFONATE 15.G GRANULAR INSECTICIDE (CONTAINS 15 POUNDS ACTIVE INGREDIENT PER 100 POUNDS). Active Ingredients: *O*-ETHYL *S*-PHENYL ETHYLPHOSPHONODITHIOATE 15.0%. Method of Support changed from 2(c) to 2(a) of interim policy. PM15

EPA File Symbol 2175–A. Three-M-Supply Co., 1215 E. Columbia, Seattle WA 98122. BAC-STOP FS SANITIZER-CLEANER FOR EQUIPMENT AND UTENSILS IN FOOD PROCESSING, DAIRY INDUSTRY, BARS, RESTAURANTS, INSTITUTIONAL KITCHENS, AND FARMS. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 23566–4. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. U.S. YACHT PAINT TROPICAL ANTI-FOULING BLACK FOR GALVANIZED WIRE CRAB POTS Active Ingredients: Bis(tributyltin) oxide 7.5%. Method of Support: Application proceeds under 2(a) interim policy. Republished: Amendment. PM24

EPA Reg. No. 984–63. Whitmoyer Labs., Inc., Subsidiary of Rohm and Haas Co., 19 N. Railroad St., Myerstown PA 17087. DLP–787. Active Ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use and Revised Offer to Pay Statement Sub-

EPA Reg. No. 984–66. Whitmoyer Labs., Inc., Subsidiary of Rohm and Haas Co., 19 N. Railroad St., Myerstown PA 17087. VACOR RAT KILLER. Active Ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use and Revised Offer to Pay Statement submitted. PM11

[FR Doc.76–1526 Filed 1–16–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660; RM–690]

INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order

In the matter of International Record Carriers' scope of operations in the con-

tinental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. On September 22, 1975, Western Union Telegraph Company (WU) filed a "Motion to Defer" requesting a postponement of further action respecting our *Further Notice of Inquiry and Proposed Rulemaking* in Docket No. 19660, FCC 75–894, 54 FCC 2d 532 (1975),[1] until: (1) the international record carriers (IRCs) complete pending gateway applications; (2) the IRCs provide WU with certain additional information, and; (3) we resolve issues raised in WU's concurrently filed "Complaint and Petition for Investigation." TRT Telecommunications Corporation (TRT) and RCA Global Communications, Inc. (RCA Globcom) have each filed a comment relating to WU's motion. WU has replied.

For reasons specified below we conclude that: (1) the various applications need not be completed at the present time; (2) information now available to WU is sufficient for analysis in its comment; and (3) deferral of this proceeding to await resolution of WU's complaint is inappropriate.[2]

2. In support of its request that no further action be taken until the applications for new gateways of ITT World Communications (ITT Worldcom), RCA Globcom, Western Union International, Inc. (WUI) and TRT are completed,[3] WU contends that it cannot determine the IRCs' present intentions from applications filed in some instances three and four years ago. Even if the applicants remain determined to provide service at each proposed gateway, WU points out that supporting information including cost data is stale or at best of doubtful relevance to conditions in the international record industry today. To support this claim, WU points to TRT's statement in I–T–C–2498–2 that "it assumes that the Commission will call for the submission of additional and updated data in Docket No. 19660 relating to the applications of the carriers."[4]

3. In its second argument, WU states that it has unsuccessfully sought from the IRCs information relevant to measuring the extent of adverse impact which might arise from a grant of the requested authorizations. Since WU does not collect data showing city and customer message and telex information for communications transmitted directly from the customer to the carriers, it states it cannot forecast adverse impact with any certainty. Until this information is forthcoming, WU alleges it cannot provide a showing of "all pertinent circumstances effecting it and its services to the public" as we requested at paragraph 7 of the *Further Notice*.

4. Finally, WU asks deferral until its "Complaint and Petition for Investigation" is resolved. WU contends therein that the rate structure of the IRCs is unjust, unreasonable and discriminatory since IRC customer charges for operating equipment and supplies are "recovered almost entirely through an excessive rate charge." Unlike the IRCs, WU specifies component charges to enable a user to determine if an independent supplier can provide equipment and supplies at a lesser cost. This disparity of customer charges, according to WU, hinders competition for the landline haul portion of International telex traffic. Accordingly, WU asks that we defer further action until the IRCs adjust telex charges so that existing and potential customers can readily determine what cost benefits, if any, the various carriers offer. Here, too, in the absence of adjusted rates, WU alleges that it cannot determine the extent of potential revenue losses resulting from new gateway authorizations. Moreover, until we determine whether the IRCs present rate structure is lawful, WU cannot amend its own tariffs to respond competitively to IRC incursions into its traditional markets.

5. TRT, in commenting upon WU's request, proposes a meeting between representatives of the Common Carrier Bureau and the interested parties in order to fashion a procedure to provide WU with legitimately required data. TRT states that it would not oppose a limited postponement so long as no delay in the proposed modification of our existing gateway policy would result. *See International Record Carriers' Scope of Operations*, in Docket No. 19660, FCC 75–893, 54 FCC 2d 909 (1975). A deferral in this proceeding dealing with expansion has not been justified.

6. We recognize that the gateway applications are incomplete and likely to remain so until we call for supplemental information. The instant proceeding is aimed at determining whether, pursuant to Section 222 of the Act, a general policy of entertaining applications for new gateway authorization would benefit the public. That is the threshold question. We see no useful purpose in initiating a pleading cycle for applications, review of which must await a policy decision in this proceeding. On the other hand, we expect the instant proceeding to provide us with guidance in ascertaining the extent of additional information to be provided by the applicants. To require that the IRCs now update applications, could lead to duplicative filings or, if we determine that new gateways would provide no public benefit, to unnecessary filings. WU may be assured, however, that we intend to weigh carefully any showing that a modification of our policy may adversely affect WU's service to the public. We caution the IRCs that we will require the filing of complete applications at a later stage in this inquiry if it appears that the comments provide insufficient factual data upon which to base our determination.

7. We find that WU's request for access to IRC city and customer revenues is premature. The underlying purpose of any rule making proceeding is to gather facts to allow a thoughtful determination of the public interest. WU has not persuaded us that the procedure set forth in our *Further Notice* is inadequate to fashion our gateway policy. Although data it requests may prove useful in assessing the public benefit of a specific application, WU has in its own records data indicating the extent of broad impact a change in our policy may engender. At this stage we believe that analysis of information on hand is sufficient. We remain firm in our expectation that WU will point out any implications in our proposal harmful to itself or the public. We also expect the IRCs to file complete factual data to support their positions. Should we find that additional information is necessary to conclude this proceeding, we will call upon the various interested parties including the IRCs to provide whatever data we deem necessary to a fair determination.

8. WU's request that we defer action in our gateway proceeding until resolution of its "Complaint and Petition for Investigation" is also denied. While there may be some merit to WU's allegations, we cannot comment while the pleading remains subject to the opposition of interested parties. We expect WU will document its allegations in its gateway comments, and that interested parties will address the arguments raised in the complaint in this proceeding. Should it later appear necessary to take action in this proceeding, we will not hesitate to do so.

9. In sum, at this point in the proceeding we see no reason compelling the re-

---

[1] This aspect of Docket No. 19660 examines the policy implications arising from requests by the international record carriers that we approve the following cities for gateway operations: Atlanta, Georgia; Baltimore, Maryland; Boston, Massachusetts; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; Hicksville, New York; Houston, Texas; Los Angeles, California; Memphis, Tennessee; Milwaukee, Wisconsin; Minneapolis, Minnesota; Newark, New Jersey; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; St. Louis, Missouri; Seattle, Washington; and Stamford, Connecticut.

[2] ASC has also filed a "Petition for Leave to Intervene" which we hereby dismiss since, as ASC acknowledges, permission to participate is not a precondition to the filing of comments in rule making proceedings. In addition, ASC has requested that we publish a list of parties intending to comment on our *Further Notice*. We are denying this request since we cannot find that our usual procedures impose an undue burden in this matter. Finally, in *RCA Global Communications, Inc.*, FCC 75–1246, —— FCC 2d —— (1975) we disposed of ASC's questions regarding separation of RCA's domestic and international operations.

[3] See ITT Worldcom Application File No. T–C–2433, RCA Globcom Application File No. T–C–2449, WUI Application File No. I–T–C–2617 and TRT Application File No. I–T–C–2498–2–.

[4] WU also asks that TRT clarify whether it is asking for gateway authorization in any location proposed by any of the applicants or requesting authorization for only those cities designated in its own application. We expect TRT will clarify this issue in its initial comments.

lief WU requests. However, we are extending the comment period to February 15, 1976 to enable the IRCs to voluntarily provide WU the information described in paragraph three above. We believe this is a sufficient period to complete the processing of this data and to submit it to the Commission. We expect the parties to prepare a record setting forth the data in a manner allowing concrete analysis and commmentary. We further expect the data to be set forth in a format to facilitate a determination of the impact of potential traffic rerouting on WU. To achieve this, we shall require any voluntary submission to comprise: (1) data relating to customer billings within the city boundaries of the proposed gateways, and (2) data relating to customer billings within a 40 mile radius of each gateway point. The filing of a record in this format will facilitate our determination of what, if any, modification of the present gateway boundary definition would best serve the public interest.

10. Accordingly, *it is ordered*, That the "Petition to Defer" filed September 22, 1975 by Western Union Telegraph Company is denied to the extent indicated above.

11. *It is further ordered*, That the filing date is extended until Fabruary 15, 1976 for all parties.

Adopted: December 12, 1975.

Released: December 24, 1975.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.76-1489 Filed 16-76;8:45 am]

[Docket No. 20673; File No. BAPCT-471; FCC 75-1345]

JACKSON TELEVISION CORP. AND TELEVISION ASSOCIATES, INC.

Memorandum Opinion and Order

Adopted: December 9, 1975; Released: January 7, 1976.

By the Commission:

In re application of the Jackson Television Corporation (Assignor) and Television Associates, Inc. (Assignee) for assignment of construction permit of television station WWLD-TV, Jackson, Michigan; Docket No. 20673; File No. BAPCT-471; FCC 75-1345.

1. The Commission has before it for consideration (a) an application for the voluntary assignment of construction permit of Station WWLD-TV (formerly WKHM-TV), Jackson, Michigan, from The Jackson Television Corporation (hereinafter referred to as assignor) to Television Associates, Inc. (hereinafter referred to as assignee); (b) a petition to deny filed by Channel 41, Inc. (hereinafter referred to as petitioner), licensee of television Station WUHQ-TV, Battle Creek, Michigan; and (c) pleadings in opposition and response thereto.[1]

2. The subject petition to deny is contained within petitioner's Petition For Reconsideration of the Commission action granting assignor's Petition For Extraordinary Relief, *Jackson Television Corporation*, 24 FCC 2d 439 (1970), extending the WWLD-TV construction permit for a period of nine months following Commission action on the subject assignment application, assuming, of course, favorable Commission action on said assignment application. To the extent the petition to deny objects to the assignment of the construction permit on the ground that its extension was improper, said objections are answered in the Commission's Order denying the Petion For Reconsideration, *Jackson Television Corporation*, 26 FCC 2d 613 (1970), and will not be reconsidered herein. Said Order, however, indicated that the portion of the petition for reconsideration dealing with objections to the assignment application would be treated in a separate order. It is to the consideration which we now turn.

3. Petitioner claims standing to oppose the subject assignment on the ground that its interests will be adversely affected by the competition it will face due to the operation of a new television station in Jackson, Michigan.[2] It was undisputed by assignee at the time the petition was filed that Stations WUHQ-TV and WWLD-TV would serve areas in common with each other (Opposition to Petition for Reconsideration, p. 14, para. 14). Moreover, it is clear that WUHQ-TV as it now operates, places a Grade B contour over the City of Jackson and practically all of Jackson County, clearly indicating that the institution of service by WWLD-TV will create new competition for WUHQ-TV. Based on these considerations, we believe petitioner has standing to object to the subject assignment. *Marion Y. Moore*, 15 RR 2d 495 (1965); *Broadcast Enterprises*, 12 RR 2d 2001 (1968).

4. Petitioner alleges that several of assignee's principals are also principals of Northern Entertainment, Inc., licensee[3] of Station WGTU-TV, Traverse City, Michigan, and asserts that these individuals will play a major role, perhaps even exercise control, in the operation of WWLD-TV. Petitioner also complains that none of assignee's principals are residents of Jackson. Neither of these observations by petitioner raise substantial questions of fact requiring a hearing. First, even if the Northern Entertainment, Inc. principals did control assignee, a premise assignee rejects, such control would be consistent with Commission rules since there would be no overlap of the Grade B contours between the Jackson and Traverse City stations; and, second, there is no prohibition against absentee ownership of broadcast facilities.

5. Petitioner also alleges that the stock ownership of assignee is unclear in view of the language in the stock subscription agreements which provides that the assignee's promoters can own 30% (3,000 shares) of the capital stock without being required to subscribe for debentures as are other stockholders, and that "the identity of all the promoters is not determined * * *" Assignee responds that other portions of the application clearly reflect the ownership of this stock, particularly Exhibits fifteen and twenty-four. Upon our examination of these exhibits, and the various pleadings filed herein, we believe it is patently clear that the promoter stock is distributed and owned as follows: estate of Walter Patterson—1,300 shares, Thomas Kipple—520 shares; Paul Nine—500 shares; Joseph Alam—500 shares; and Financial Engineering Services Company—200 shares. Accordingly, we find nothing here warranting further inquiry.

6. Petitioner further contends that assignee has failed to properly ascertain the Jackson community needs and interests and to propose programming responsive thereto. Petitioner states that assignee interviewed just 24 community leaders, of which only 15 were from Jackson, and no members of the general listening audience. As for the assignee's proposed programming, petitioner states that: (1) of the four programs proposed, no attempt is made to tie any of them to the community leader survey; (2) two of the proposed programs will be shown only periodically; and, (3) the programs are void of particulars. Petitioner maintains that this effort falls short of the requirements set forth in the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 20 FCC 2d 880 (1969). Assignee responds that the "Primer" published by the Commission at 20 FCC 2d 880 (1969) was a proposal only and that ascertainment requirements remained uncertain. Nevertheless, petitioner stated that it was undertaking additional survey efforts and such material would be submitted by amendment. On October 21, 1970, four months before the Commission's adoption of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), assignee amended its application with an additional thirty interviews and another programming proposal.

7. In its Order adopting the Primer, the Commission stated that, "Under section 1.522 of the rules, applicants who believe their showing is deficient under the guidelines of this Primer, may amend their application as a matter of right prior to designation for hearing." *Primer, supra* at 680. Assignee filed no additional ascertainment information subsequent to the Primer's adoption. An evaluation of assignee's ascertainment effort based upon the guidelines contained in the Primer finds it seriously deficient. For example, assignee has submitted no demographic data regarding the city of Jackson; no information regarding who conducted its community leader interviews; and no description of the meth-

[1] Also before the Commission are letters filed by petitioner commenting on various amendments to the application filed by assignee.

[2] Stations WWLD-TV and WUHQ-TV are UHF television stations operating on channels 18 and 41, respectively.

[3] Northern Entertainment, Inc. received its license to operate Station WGTU-TV on October 1, 1971.

odology used to insure the randomness of its general audience survey. Without such information, the Commission is unable to determine whether the community leaders interviewed by assignee were representative of all the significant groups and interests within its proposed community of license; whether assignee's principals established any sort of dialogue with the community leaders of its proposed community of license; and whether assignee took any steps to insure that its general audience surely would represent a random sample of its listening audience. See *Bangor Broadcasting Corp.*, 50 FCC 2d 222 (1975). Accordingly, an appropriate issue will be designated to resolve these questions.

8. Finally, petitioner alleges that assignee has failed to demonstrate the financial capability to build and operate Station WWLD–TV for one year. As originally proposed, the majority of the funds relied upon to meet first year financial requirements, aside from deferred equipment payments, was to come from the sale of the assignee's corporate debentures to its shareholders. Subscription agreements totaling $590,000 had been executed by stockholders for this purpose. The ability of stockholders to meet their subscriptions was documented primarily through the submission of balance sheets, although in one case a bank loan was relied upon and in another funds were escrowed specifically for this purpose. It was also proposed that assignee would obtain a $175,000 bank loan. Petitioner attacked this showing through assertions that the balance sheets submitted by the stockholders failed to demonstrate the necessary liquidity, at least by the Commission's standards, to fulfill their obligations under the subscription agreements. Petitioner also noted that the subscription agreements were unenforceable if assignee failed to obtain an ABC network affiliation agreement.

9. Many of the pleadings filed herein relate to the contrasting views of petitioner and assignee on the probability of assignee obtaining an ABC network affiliation [and this controversy has caused considerable delay in processing this application.] In this connection, it should be noted that WUHQ–TV is an ABC network affiliate. Additionally, during the pendency of this application assignee has amended its financial proposal several times. In view of these facts, and in view of the long period of time since the filing of some of the documents supporting the financial showing, i.e., balance sheets dated 1970–71 and a bank loan dated in 1970, the Commission by letter of March 18, 1975, requested the assignee to amend the application with: (1) an updated showing as to the availability of an ABC network affiliation; and, (2) a new Section III (financial qualifications section) of the application to bring all financial aspects of its proposal up to date. The Commission indicated in this letter that upon receipt of this information it would be in a position to take action on the application. Amendments to the application in response to this letter were filed by assignee on July 21, 1975, and October 28, 1975. Accordingly, assignee's financial proposal will be evaluated on the basis of these responses, a discussion of which follows below.

10. Assignee projects the following expenses for construction and operation of Station WWLD–TV: (1) purchase of land and construction of building—$200,000; (2) operating costs—$824,171, including lease payments for equipment;[4] and, (3) installation and miscellaneous expense—$72,000, for a total of $1,096,171. To meet these expenses, assignee relies upon; (1) $10,000 cash in banks; (2) $590,100 debenture subscriptions (most stockholders have waived the right to cancel the subscription if no ABC network affiliation is obtained, thus assignee stated no updated showing was submitted with regard to this question); (3) $400,000 bank loan from the Bank of the Commonwealth in Detroit, Michigan, less $85,559 required debt service; (4) $140,000 property mortgage, less debt service of $23,333; and, (5) $748,500 revenue from operation premised upon an ABC network affiliation, for a grand total of $1,779,709.

11. Petitioner attacks this showing on several grounds. With regard to the debenture subscriptions, petitioner alleges two deficiencies. First, petitioners note all subscribers have waived the right to cancel in the event no ABC network affiliation agreement is obtained. Petitioner also notes that, in this regard, the waiver of Northampton Investment Club, Inc., subscriber for $69,969 worth of debentures is invalid since it is not signed by someone empowered to act for the corporation. And, second, petitioner notes that the waivers executed by the subscribers contain the statement that "there has been no substantial change in my financial condition (including my ability to meet this subscription) from that now contained in the application as submitted by me to the Federal Communications Commission." Petitioner claims that the financial showing of these subscribers is between four and five years old and, therefore, must be updated. As for reliance on revenues, petitioner submits that assignee cannot rely on revenues predicated upon an ABC network affiliation if no credible showing is submitted to support such a possibility; and that, therefore, if revenues are to be relied upon they must be supported by advertising commitments from prospective advertisers. Regarding the leasing of equipment, petitioner states that said agreement is subject to the final approval of the leasing company's credit committee, thus making the arrangement too conditional to rely upon. Moreover, petitioner notes that assignee's principals have not agreed to become jointly and severally liable under the lease, a condition the leasing company indicates it will almost certainly require. Finally, petitioner notes that assignee has failed to state that it will commit all of its assets as collateral as required under the loan from the Bank of the Commonwealth.

12. The Commission agrees with petitioner that assignee has failed to establish its financial qualifications. In its letter of March 18, 1975, the Commission requested an updated showing on assignee's position regarding its allegation that it could obtain an ABC network affiliation agreement. This letter also requested assignee to file a new Section III of the application "in order to bring all financial aspects of [its] proposal up to date." In its response to this letter, assignee projected first year cash requirements to be $1,096,171, and indicated that it would have $1,779,709 to meet this expense. Of the total funds alleged to be available, I748,500 consists of anticipated revenues predicated upon the station becoming an ABC network affiliate. Assignee, however, filed no new information concerning its chances of obtaining such an affiliation. Absent the filing of such information, there are no facts on the record from which the Commission can logically conclude that a reasonable possibility exists of assignee obtaining such an agreement. See *West Michigan Telecasters, Inc.* v. *FCC*, 130 US App. D.C. 39 (1968). Accordingly, we will not rely upon these anticipated revenues in judging assignee's financial qualifications. If the only question in assignee's financial showing was the reasonableness of its projected revenue figure, whether operating as a network affiliate or independent, we could, on the basis of a proper showing, assume that there would be sufficient revenues to make up the deficiency of $64,962 ($1,779,709–$748,500–$1,096,171) between assignee's first year cash requirements and its other sources of funds. See *Erway Television Corp.*, 9 RR 2d 1376 (1967). The Commission believes, however that substantial and material questions of fact remain regarding the availability of the other funds relied upon by assignee.

13. The response to the Commission's March 18, 1975, letter indicated, insofar as the ability of subscribers to meet their debenture subscriptions is concerned, that no substantial change had occurred in the information previously filed and that, apparently, we should use that information in assessing financial qualifications. As noted above, this information is between four and five years old. The Commission is extremely reluctant to judge financial qualifications on the basis of information this old and we would prefer to determine for ourselves whether, over this extended period of time, there has been any substantial change. *T. J. Shriner*, 10 RR 2d 1095 (1967). We need not, however, belabor this point further since we find assignee's earlier filings insufficient to establish the financial qualifications of most of the subscribers. Mr. Edward Oleksiak, subscriber for

[4] Assignee has arranged to lease $600,000 of equipment from the HBE Leasing Corporation at a cost of $13,500 per month.

$19,980 of debentures, shows on his balance sheet of September 5, 1970, the availability of only $15,500 in liquid assets to meet this commitment. Mr. Brian Malloy, subscriber for $219,938 of debentures, submitted an escrow agreement, dated June 12, 1970, indicating that over one million dollars of listed securities had been set aside to meet his commitment. This escrow agreement expired 270 days after June 12, 1970. Thus we do not know whether Mr. Malloy still has funds set aside for his subscription. Messrs. Paul Nine and Joseph Alam, subscribers for $50,237 of debentures, relied upon a bank loan dated August 17, 1970 to meet this commitment. This bank loan commitment is over five years old and clearly cannot be relied on today. Mr. Roy Grunberg, subscriber for $19,980 of debentures, shows on his balance sheet, dated January 14, 1970, liquid assets of $24,000 and notes and accounts payable of $30,000, clearly raising questions as to his ability to meet his commitment. The Northampton Investment Club, Inc., while financially qualified, has failed to properly waive the provision in the subscription agreement making it unenforceable if no ABC network affiliation is obtained. As petitioner correctly observed, although several individual members of the club agreed to the waiver, no waiver from anyone acting in a corporate capacity, the manner in which the subscribtion was executed, has been submitted. Hence, the provision is still applicable to this subscription, and with no credible assurance from assignee that such a provision can be met we cannot rely on these funds. Moreover, no waiver of this provision has been submitted by Mr. Brian Malloy and Mr. Edward Oleksiak, subscribes mentioned above, thus placing their commitment to supply funds under further question. And finally, we have the recent balance sheet of John T. Harley, dated October 16, 1975, who replaced Mr. J. B. Marrella, a subscriber for $$99,980. Mr. Harley's balance sheet shows only $76,000 of available liquid assets to meet his commitment of $99,980. In sum, of the $590,100 of debentures subscribed for, at least $480,173 have not been substantiated.

14. The other aspects of assignee's financial proposal are of recent origin. With respect to assignee's agreement for leasing its equipment, dated July 14, 1975, we note that the leasing company's commitment letter states that, "In nearly all instances, we do require the jointly and severally personal guarantees of the principals involved in the ownership of the broadcast property." None of the assignee's principals have indicated a willingness to so commit themselves. Without the express agreement of assignee's principals to provide these guarantees, assignee may not rely upon this arrangement. *Vernon Broadcasting Company*, 13 RR 2d 245 (1968).[5] We also note that the $400,000 bank loan from the Bank of the Commonwealth, dated July 17, 1975, requires all of assignee's assets as collateral. In view of assignee's proposal to lease virtually all equipment used in station operation, it is not clear what assets could be used to collateralize this loan. Consequently, the availability of this loan is subject to question.

15. Finally, with regard to financial qualifications, assignee has estimated land and building costs to house the station's offices, studio and transmitter at $200,000. Assignee further states that it assumes it can acquire a 15 year mortgage at 10% interest for 70% of said cost and supports the reasonableness of said assumption with a letter from the First National Bank of Warren, dated August 25, 1971, offering it such terms. Assignee admits that it does not consider this commitment still outstanding but, nevertheless, cites it as support. The Commission, of course, cannot rely upon this bank letter to support assignee's plan to finance the cost of constructing its studio, office and transmitter building. Nor can we rely upon assignee's "assumption" that it can obtain similar financing in today's market. See *Lamar Life Broadcasting Company*, 20 RR 2d 509 (1970). Accordingly, assignee has failed to support its financial plans for erecting office, studio, and transmitter housing facilities.

16. In view of the foregoing, we cannot find, as required under *Ultravision Broadcasting Company*, 1 FCC 2d 544 (1965), that assignee is financially qualified to construct and operate Station WWLD–TV for a period of one year and an appropriate hearing issue will be designated.

17. One further question regarding the role an ABC Network affiliation plays in the carrying out of this assignment application must be considered. Paragraph 5 of the contract of sale underlying this transaction provides, in pertinent part, that:

The purchase price shall be paid within five (5) days of the following conditions being met: (1) * * *.

(2) the Purchaser negotiates and executes with the American Broadcasting Company (ABC) a contract providing for the granting of a network affiliation with the only contingency for the granting of the affiliation being the actual construction of the station. If both of the said conditions are not met, this agreement shall be void and of no effect.

Although most of assignee's stockholders have agreed to waive this condition in connection with their debenture subscription agreements, there are some subscribers who have not, and there are other stockholders who are not debenture subscribers. Under these circumstances, it is clear that such a condition is still in effect with regard to the assignee's obligation to perform under the contract. In view of this fact, and in view of the assignee's reliance on such an affiliation in connection with its financial proposal, i.e., anticipated revenues and debenture contingency, we will designate an appropriate hearing issue regarding this matter.

18. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned assignment application is designated for hearing at a time and a place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Television Associates, Inc. to ascertain the community needs and interests of its proposed service area and the means by which it proposes to meet those needs and interests.

(2) To determine whether Television Associates, Inc. may realistically expect to receive an ABC Network affiliation in connection with its proposed operation of a television station in Jackson, Michigan.

(3) To determine whether Television Associates, Inc. has the required funds available to construct and operate television station WWLD–TV, Jackson, Michigan, as such requirements are set forth in *Ultravision Broadcasting Company*, 1 FCC 2d 544 (1965).

(4) To determine whether, in light of all the evidence adduced pursuant to the foregoing issues, grant of the above-captioned application for assignment of construction permit would serve the public interest, convenience and necessity.

19. *It is further ordered*, That, the aforenoted petition to deny, filed August 24, 1970, by Channel 41, Inc., is granted to the extent indicated herein and denied in all other respects.[6]

20. *It is further ordered*, That, Channel 41, Inc. is made a party to the hearing ordered herein.

21. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant herein and Channel 41, Inc., shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

22. *It is further ordered*, That, Television Associates, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 9, 1975.

Released: January 7, 1976.

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

[FR Doc.76–1490 Filed 1–16–76;8:45 am]

[5] The fact that the lease agreement is "subject to final review" by the leasing company's credit committee would not, alone, prohibit our reliance upon it. *Parkell Broadcasting, Inc.*, 32 RR 2d 812 (1975).

[6] The Commission notes that assignee has not filed Section VI to the assignment application. Should the above issues be resolved in favor of the assignee, no final Commission action can be taken until Section VI is submitted and approved.

[Docket No. 20674; File No. BR-3936; FCC 75-1429]

PUBLIC SERVICES ENTERPRISES, INC.

Apparent Liability

In re application of: Public Service Enterprises, Inc., Standard Broadcast Station WETT, Ocean City, Maryland, for renewal of license.

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Public Service Enterprises, Inc., of Station WETT, Ocean City, Maryland.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *it is ordered*, That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine all the facts and circumstances surrounding the installation and utilization of a relay device in the phasor cabinet of the WETT transmitter which caused the transmitter to feed only one of two antennas and enabled the station to be operated nondirectionally;

(b) To determine whether, and if so the extent to which, Station WETT was willfully or repeatedly operated with modes and powers other than those authorized;

(c) To determine whether, and if so the extent to which, the licensee of Station WETT willfully or repeatedly failed to maintain proper phase relationships during the nightime pattern;

(d) To determine whether, and if so the extent to which, the licensee of Station WETT willfully or repeatedly failed to measure the field intensity at time intervals and at monitoring points specified in its license;

(e) To determine, in light of the evidence adduced under Issues (a) through (d), above, whether the licensee willfully or repeatedly failed to operate Station WETT substantially as set forth in its license;

(f) To determine whether, and if so the extent to which, the licensee of Station WETT willfully or repeatedly failed to comply with the following sections of the Commission's rules: 73.40; 73.47; 73.52; 73.60; 73.93; 73.111; 73.114; 73.932; and 73.961;

(g) To determine whether, and if so the extent to which, entires in the WETT program, operating and/or maintenance logs were falsified and/or fabricated;

(h) To determine whether the licensee of Station WETT is financially qualified to be or to remain a licensee of the Commission; and

(i) To determine, in light of the evidence adduced under Issues (a) through (h), above, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a) through (h).

5. *It is further ordered*, That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station WETT it shall also be determined whether the applicant has willfully or repeatedly failed to operate Station WETT substantially as set forth in its license or has willfully or repeatedly violated §§ 73.40, 73.47, 73.52, 73.60, 73.93, 73.111, 73.114, 73.932, and 73.961 of the Commission's Rules.[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for failure to operate Station WETT substantially as set forth in its license and for violation of §§ 73.40, 73.47, 73.52, 73.60, 73.93, 73.111, 73.114, 73.932, and 73.961 of the Commission's Rules. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) through (h), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to Section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Public Service Enterprises, Inc., licensee of WETT, Ocean City, Maryland.

Adopted: December 22, 1975.

Released: December 6, 1976.

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

[FR Doc.76-1488 Filed 1-16-76;8:45 am]

[1] See Bill of Particulars for specific dates of each alleged violation.

WARC ADVISORY COMMITTEE FOR PRIVATE MICROWAVE

Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the WARC Advisory Committee for Private Microwave, headed by Thomas L. Johnson, will hold its next meeting on January 29, 1976. The meeting will be held in Conference Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C. and will commence at 9:00 A.M. The meeting is open to the public and will be conducted in accordance with the following agenda:

1. Call of the agenda.
2. Opening Remarks of the Chairman.
3. Review Work Accomplished and Finalize Draft Report.
4. Adjournment.

Any member of the public may participate by presenting oral or written statements.

The Federal Comunications Commission recognizes that this notice provides less than 15 days' advance notification of the meeting as required in OMB Circular A-63. Due to the extended illness of one key Commission staff member, arrangements for this meeting could not be completed in sufficient time to allow the full 15 days' notice.

Because the Committee's initial recommendations concerning the future frequency spectrum requirements for Private Microwave (along with the frequency spectrum requirements of other radio services) must be submitted to the FCC International Conference Staff in February, 1976, it is essential that the Private Microwave Advisory Committee meet during January to review, discuss and finalize its draft report. Based on the factors cited above, the Commission's

Advisory Committee Management Officer has determined that an emergency situation exists and that the public interest would best be served by permitting the Priavte Microwave Advisory Committee to meet on January 29.

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

[FR Doc.76-1753 Filed 1-16-76;11:08 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-76]

BETHLEHEM STEEL CORPORATION V. INDIANA PORT COMMISSION

Order on Remand

On March 4, 1974, the Commission issued a final Report and Order in this proceeding in which we found the harbor service charge levied by the Indiana Port Commission on all vessels using Burns Waterway Harbor to be an unreasonable practice in violation of section 17 of the Shipping Act, 1916. On a Petition to Review, the United States Court of Appeals for the District of Columbia Circuit set aside the Order of the Commission and remanded the case for the taking of further evidence, and to make additional findings of fact, relative to the parties' (Indiana Port Commission, Bethlehem Steel Corporation, Corps of Engineers, and Midwest Division of National Steel Corporation) contributions to the construction of Burns Waterway Harbor and their contract understanding with regard to that construction.

In accordance with the opinion of the Court we are reopening this proceeding to determine: (1) precisely which contributions of each of the four parties contribute benefits to vessels using the harbor itself; (2) how much each of these contributions is worth to these vessels using the harbor, and; (3) whether, in the light of (1) and (2) above, the harbor service charge contained in the Port Commission's tariff is just and reasonable with regard to (a) vessels using the public terminal and (b) vessels using Bethlehem's facilities. To base these determinations on the most solid foundation, a strict accounting of the expenditures for the construction of Burns Waterway Harbor should be made identifying those costs attributable to the harbor and those to the terminal facilities. We think that all agreements between any two or more of the four parties should be examined. In particular, the Commission is interested in knowing what the agreement between Bethlehem Steel Corporation and the Indiana Port Commission means when it states that Bethlehem Steel Corporation will not be charged more than others; also, whether this applies both to services and to transit.

The participation of the Corps of Engineers in the construction of Burns Waterway Harbor should also be developed by examining the statutory authority for the Corps of Engineers' participation in the Burns Waterway Harbor project and the effect of those statutes on the operation of the Harbor and the charges levied for its use. For example, we would like to specifically learn if the port and harbor are dedicated to public use and if they are public, may a charge be levied for transit.

An examination of all stuides or reports made by, or to, the Corps of Engineers with regard to the Burns Waterway Harbor should also be made. Among the matters that may be developed in this regard, we are especially interested in learning whether the Corps of Engineers has calculated an amount of the costs of the construction of the harbor as a benefit to the Indian Port Commission, a nearby community or the State of Indiana which were therefore not reimbursed.

The proceeding should also examine Indiana law and in particular the legislation creating the Indiana Port Commission and its relationship to the operation of Burns Waterway Harbor and the charging of fees for its use. In this connection, consideration should be given to whether Indiana law "forgives" the Indiana Port Commission from reimbursing the State for that part of the funds which are not reimbursed by the Corps of Engineers.

Therefore, *it is ordered*, That Docket No. 71-76 is hereby reopened for the purpose of making the determinations described above and any others which are necessary for the completion of the record in this proceeding to determine if the Burns Waterway Harbor service charge is in violation of section 17 of the Shipping Act, 1916;

It is further ordered, That this proceeding be referred to the Office of Administrative Law Judges for hearings to make the determinations required in this Order, and the issuance of an Initial Decision; and

It is further ordered, That the Secretary forthwith cause this Order to be published in the FEDERAL REGISTER and also serve copies on all parties to Docket No. 71-76.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1514 Filed 1-16-76;8:45 am]

INACTIVE TARIFFS—BUREAU OF COMPLIANCE

Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain a number of tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of one year or longer or because the Commission's staff has been unable to correspond with the tariff filers or because the Commission's staff has been advised that the tariff filers no longer offer a common carrier service. The tariff publications of the following carriers, including their last known address, fall into the "inactive tariff" category:

Aero-Nautics Forwarders, Inc., 1167 N.W. 22nd Street, Miami, Florida 33127
All Hawaii Cargo Consolidation, Inc., P.O. Box 398, La Marada, California 90638
Allied Industrial Distribution, 711 First Street, Oakland, California 94607
All Pacific Freight, Inc., P.O. Box 3760, Anaheim, California 92803
Arrow-Lifschultz Freight Forwarders, Inc., 386 Park Avenue South, New York, New York 10016
Calrob Forwarding Corp., 5107 University Boulevard West, Jacksonville, Florida 33216
Caribbean Ferry Service, Inc., 760 Ponce De Leon Avenue, Miramar, Puerto Rico 00907
Century Mills, Inc., 152-50 Rockaway Boulevard, Jamaica, New York 11434
Distribution International Service Company, 201 N. Federal Highway, Deerfield Beach, Florida 33441
Eller and Company, Port Everglades Station, Ft. Lauderdale, Florida 33316
El Viejo San Juan Moving & Shipping, Inc., 862 Southern Boulevard, Bronx, New York 10459
Florida Towing Corp., P.O. Box 544, Jacksonville, Florida 32201
Hawaiian Freight Service, Inc., Bush Terminal Building 57, Brooklyn, New York 11231
La Isla Shipping Co., 399 Hooper Street, Brooklyn, New York 11211
Lifschultz Fast Freight, Inc., 28 North Franklin Street, Chicago, Illinois 60606
Mid-Pacific Freight Forwarders, 3770 E. 26th Street, Vernon, California 90023
Midwest Caribe Service Corporation, 55-80 47th Street, Maspeth, Long Island, New York, New York 11378
Murphy's Refrigerated Express, Inc., 112 Poinier Street, Newark, New Jersey 07114
Northwest Consolidators, Inc., P.O. Box 3583, Terminal Annex, Seattle, Washington 98124
Norwegian Mayflower Lines, P.R., Inc. P.O. Box 4351, San Juan, Puerto Rico 00905
Pacific Consolidators, 1910 North Main Street, Los Angeles, California 90031
Pacific Freight Forwarding Co., 2800 West Bayshore Road, Palo Alto, California 94303
Pacific Hawaiian Terminals, Inc. 99 Mississippi Street, San Francisco, Californa 94107
Puerto Rican Freight Co., Inc., P.O. Box 146 International Airport Branch, Miami, Florida 33148
Sea Progress, Inc., 144-29 156th Street, Jamaica, New York 11434
Shippers Imperial Inc., P.O. Box 5790, San Jose, California 95150
Siegmund's, Inc., P.O. Box 1205, Hato Rey, Puerto Rico 00919
Skip's Trucking, Inc., 1291 63rd Street, Emeryville, California 94608
States Marine International, Inc., High Ridge Park, P.O. Box 1540, Stamford, Connecticut 06904
United Freightways Corporation, P.O. Box 1844, Old San Juan, Puerto Rico 00903
United Shipping Agents, Inc., P.O. Box 58361, Los Angeles, California 90058
Universal Trailer Express, Inc., P.O. Box 985, Miami, Florida 33144
Valencia Baxt Express, Inc., P.O. Box 3886, San Juan, Puerto Rico 00904

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and, accordingly, the Commission proposes to cancel these

tariffs in the absence of a showing of good cause as to why they should not be cancelled.

Now, *therefore it is ordered*, That the above carriers advise the Director, Bureau of Compliance at 1100 L Street NW., Washington, D.C. 20573 in writing on or before February 18, 1976, of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this Order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this Order are hereby cancelled, effective thirty days after the publication of this order in the FEDERAL REGISTER;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff cancelled pursuant to this notice.

By the Commission pursuant to authority delegated by § 4.08 of Commission Order No. 201.1 (Revised) dated June 30, 1975.

N. THOMAS HARRIS,
Director,
Bureau of Compliance.

[FR Doc.76-1515 Filed 1-16-76;8:45 am]

PORT OF OAKLAND, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 9, 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:
J. Kerwin Rooney, Port Attorney,
Port of Oakland,
P.O. Box 2064,
Oakland, California 94607

Agreement No. T-2480-2, between Port of Oakland (Port), American President Lines (APL) and Seatrain Terminals of California, Inc., (Seatrain), modified the basic agreement between Port and Seatrain which provides for the lease of certain land improvements and the use of certain cranes at the Middle Harbor Terminal. The purpose of the modification is to reimburse Port for the cost of extending the outreach of one of the container cranes (Alliance Crane C-6756). As compensation, Port shall receive: (1) from Seatrain and APL, crane rental under the Port's applicable tariff when their vessels use the additional outreach; (2) from Maersk Line, crane rental for use by vessels whether or not vessels actually use the additional outreach; and (3) from secondary users, crane rental for the total amount of time said crane handles cargo when vessels use the additional outreach of crane. The payment of crane rental under this Agreement shall continue until Port has recovered the sum of $71,904.13 plus 10 percent per annum on the unrecovered balance.

By Order of the Federal Maritime Commission.

Dated: January 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1511 Filed 1-16-76;8:45 am]

PUERTO RICO PORTS AUTHORITY

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 9, 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:
Mr. Julio Maymi Pagan,
Executive Director,
Puerto Rico Ports Authority,
Commonwealth of Puerto Rico,
Isla Grande, Puerto Rico

Agreement No. T-3215, as amended, between the Puerto Rico Ports Authority (Port) and Caribe Shipping Co., Inc., (Caribe), provides for Caribe's three-year (with renewal options) preferential as well as exclusive use of certain facilities at Pier 9, San Juan, Puerto Rico, for the docking, mooring, and discharge of vessels, the handling and temporary storage of outbound and inbound cargo and supplies, and the handling of passengers. As compensation for the use of the facilities, Caribe shall pay Port an amount totalling $39,445.44 per annum. In addition, Caribe shall pay wharfage and dockage charges normally assessed by the Port or a minimum annual payment of $115,000, whichever is higher, plus harbor dues, wharfage, dockage, demurrage and all other normally assessed Port charges. Wharfage charges collected by Port at Pier 9 from other users will be credited to Caribe's established minimum. Any services rendered by Port at Pier 9 to Caribe shall be charged according to the Port's tariff, or if not covered by such tariff, by mutual agreement.

By Order of the Federal Maritime Commission.

Dated: January 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1512 Filed 1-16-76;8:45 am]

PUERTO RICO PORTS AUTHORITY

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 9, 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:
Mr. Julio Maymi Pagan,
Executive Director,
Puerto Rico Ports Authority,
Commonwealth of Puerto Rico,
Isla Grande, Puerto Rico

Agreement No. T-3231, as amended, between the Puerto Rico Ports Authority (Port) and Universial Shipping, Inc., (Universal), provides for Universal's two-year (with renewal options) preferential use of certain marine facilities at Isla Grande Pier, San Juan, Puerto Rico, for the docking, mooring, loading and discharge of vessels and the handling and temporary storage of outbound cargo. In addition, Universal is granted the exclusive use of 160 square feet of office space. As compensation, Universal shall pay Port a minimum fixed rental of $50,000.00 per year, or dockage and wharfage charges normally assessed by the Port, whichever is greater, plus harbor dues, demurrage and other charges assessed by the Port. Dockage and wharfage charges collected at the premises from other users will be credited to Universal's established minimum. In addition, Universal shall pay Port for the preferential use granted under this contract, a monthly fee of $385.33, and for the exclusive use of office space, a monthly fee of $65.00. Universal's operations shall be subject to the schedule of rates and charges in effect at the Port.

By order of the Federal Maritime Commission.

Dated: January 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1513 Filed 1-16-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-40]

ALABAMA-TENNESSEE NATURAL GAS CO.

Corrected PGA Rate Adjustment

JANUARY 7, 1976.

Take notice that on December 30, 1975, Alabama-Tennessee Natural Gas Company (A-T), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Thirteenth Revised Sheet No. 3-A. A-T requests that this revised tariff sheet become effective as of January 1, 1976.

A-T states that the sole purpose of such revised tariff sheet is to adjust A-T's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect corrected rates to become effective on January 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

A-T states that the revised tariff sheet provides for the following rates:

Rate schedule:	*Substitute 13th Revised sheet No. 3A*	
G-1:		
Demand	dollars	3.38
Commodity	cents	63.04
SG-1:		
Commodity	do	87.73
I-1:		
Commodity	do	65.04

A-T states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 23, 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.76-1528 Filed 1-16-76;8:45 am]

CITIES SERVICE GAS CO.

[Docket No. RP72-142 (PGA76-2a)]

Proposed Changes in FPC Gas Tariff

JANUARY 7, 1976.

Take notice that Cities Service Gas Company (Cities Service) on December 17, 1975, tendered for filing certain substitute tariff sheets which reflect an amendment to its filing heretofore submitted on December 4, 1975. Such amended filing is occasioned by an amendatory Commission order Dated December 12, 1975, in Arkansas Louisiana Gas Company (Arkla), Docket No. RP76-10, which made a substantial rate increase by Arkla to Cities Service effective as of November 2, 1975, in lieu of April 1, 1976.

One of the tariff sheets is Substitute Second Alternate Twelfth Revised Sheet PGA-1 which reflects a current adjustment of 4.09¢ per Mcf. The other tariff sheet is Substitute First Alternate Twelfth Revised Sheet PGA-1 which reflects a current adjustment of 3.92c per Mcf and reflects the elimination of certain small producer purchases at rates in excess of the rate levels established pursuant to the Commission's Opinion No. 742. Should the Commission suspend Substitute Second Alternate Twelfth Revised Sheet PGA-1 to January 24, 1976, Cities Service proposes that Substitute First Alternate Twelfth Revised Sheet PGA-1 be effective for the one day of January 23, 1976.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-13.

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 21, 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.76-1529 Filed 1-16-76;8:45 am]

[Docket No. ER76-389]

CONSUMERS POWER CO.

Tariff Change

JANUARY 8, 1976.

Take notice that on December 24, 1975, Consumers Power Company (Consumers) tendered for filing a Certificate of Concurrence with the concurrent filing by Indiana & Michigan Electric Company (I&M) of Amendment No. 9 to an Operating Agreement dated March 1, 1966, among Consumers Power, I&M, and the Detroit Edison Company (Detroit Edison). Consumers states that this Operating Agreement is designated Consumers Power Company Rate Schedule FPC No. 23. Consumers states that Amendment No. 9, dated November 1, 1975, with a proposed effective date of January 1, 1976, adds a new category of service, denoted "Unit Power," and a new Service Schedule H, establishing, among other things, the rates applicable thereto, to the Operating Agreement.

Consumers states that under the terms of Amendment No. 9, I&M shall stand ready, during contract periods specified in the Amendment, to deliver unit power and unit energy to Consumers Power and Detroit Edison up to the unit power capacity reservation then in effect. Consumers states that the contract periods, and the approximate unit power capacity reservations associated therewith, are as follows:

Period I: January 1, 1976 through March 31, 1976, 250 MW.
Period II: April 1, 1976 through September 30, 1976, 500 MW.
Period III: April 1, 1977 through September 30, 1977, 500 MW.

Consumers states that the demand charge and energy charge established by Service Schedule H for unit power and unit energy to be sold under the Amendment were established after arm's-length negotiation among the parties and are extended to cover the fixed charges on

the generation and the transmission capacity reserved under the Agreement, and the operating and maintenance costs incurred in providing the associated power and energy.

Consumers states that copies of its filing were served on I&M, Detroit Edison, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 21, 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.76-1532 Filed 1-16-76;8:45 am]

[Docket No. ER76-409]

EL PASO ELECTRIC CO.

Tariff Change

JANUARY 9, 1976.

Take notice that El Paso Electric Company (El Paso), on December 31, 1975, tendered for filing proposed changes in its rates for wholesale service to customers served under its FPC Rate Schedules 17, 18, and 19. El Paso requests waiver of the Commission's Regulations to permit these changes to be effective January 1, 1976.

The Company states that the proposed changes would increase revenues from jurisdictional sales and service by $631,500 based on the 12-month period ending August 31, 1975. El Paso states that such increase in revenues will decline to $536,723 for the 12-month period beginning with the proposed effective date of the new rates. The proposed filing also modifies El Paso's existing fuel adjustment clauses to conform with Section 35.14 of the Commission's Regulations.

Copies of the filing were served upon Community Public Service Company and Rio Grande Electrical Cooperative, Inc., El Paso's customers under these schedules, and upon the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 21, 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 Dos.76-1541 Filed 1-16-76;8:45 am[

[Docket Nos. CP74-289, CP75-360, CP76-214]

EL PASO NATURAL GAS CO.

Petition for Issuance of Declaratory Order

JANUARY 8, 1976.

Take notice that on December 23, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, pursuant to § 1.7(c) of the Federal Power Commission's Rules of Practice and Procedure petitioned in Docket Nos. CP74-289, *et al.*, for prompt issuance of a declaratory order resolving the following questions:

(1) Has Pacific Gas and Electric Company (PG&E), a purchaser of gas from El Paso's interstate natural gas pipeline system at a delivery point on the Arizona-California border, and a transporter and distributor of natural gas wholly within the State of California not otherwise subject to the regulatory authority of this Commission under the Natural Gas Act ("Act"), by reason of its having entered into certain interim contractual "advance sale arrangements" described more fully herein with El Paso, undertaken to do any act or provide any service which would require PG&E to make filings with this Commission pursuant to Sections 4 and 7 of the Act, or which would in any other manner affect the present nonjurisdictional status of PG&E, its facilities or its operations?

(2) Has Southern California Gas Company (SoCal), a purchaser of gas from El Paso's interstate natural gas pipeline system at delivery points on the Arizona-California border, and transporter and distributor of natural gas wholly within the State of California not otherwise subject to the regulatory authority of this Commission under the Act, by reason of its having entered into certain interim contractual arrangements (El Paso-SoCal arrangements) described more fully herein with El Paso, undertaken to do any act or provide any service which would require SoCal to make filings with this Commission pursuant to Sections 4 and 7 of the Act, or which would in any other manner effect the present nonjurisdictional status of SoCal, its facilities or operations?

(3) Would either PG&E or SoCal become subject to the jurisdiction of this Commission and thus be required to make appropriate filings under Sections 4 and 7 of the Act by reason of its having entered into essentially similar arrangements to those described herein, but on a long-term, as opposed to interim basis?

PG&E and SoCal are said to be each party to certain contractual arrangements with El Paso to assist El Paso on an interim basis in fully protecting winter-season service to its east-of-California customers' Priority 1 and 2 requirements. Neither PG&E nor SoCal is said to be willing to go forward with such arrangements if by doing so it stands to lose its present exemption from Commission jurisdiction granted pursuant to Section 1(c) of the Act. This Commission was alleged to have previously granted temporary authority for El Paso's operations pursuant to such arrangements and the question of permanent certification is presently under consideration before Presiding Administrative Law Judge Jensen at Docket Nos. CP74-289 and CP75-360. Those Dockets have been consolidated for decision with the matter pending at Docket No. CP73-334, under the general designation Docket Nos. CP73-334, *et al.*

By this Petition, El Paso said it seeks an early, definitive Commission decision regarding the jurisdictional questions in order to obviate any chance that such questions, if left unresolved during the normal course of procedural events in the above-referenced proceedings, may cast a cloud on the present nonjurisdictional status of either PG&E or SoCal because of their respective undertakings to assist El Paso in avoiding curtailment of east-of-California Priority 1 and 2 service during the 1975-76 winter season now underway.

Negotiations are said to be presently in progress between El Paso and PG&E and SoCal which can purportedly provide El Paso with the means to fully protect east-of-California Priority 1 and 2 service in winter seasons beyond those covered by the present interim arrangements. El Paso states that the jurisdictional questions, so long as they remain unresolved, may well prevent initiation of such long-term arrangements.

El Paso requests that the Commission:

(1). Direct the Presiding Administrative Law Judge to certify to the Commission the first two enumerated jurisdictional questions set forth in the Introduction to this Petition, while retaining all other matters at issue in Docket Nos. CP73-334, CP74-289, and CP75-360 for consideration and decision in the normal course of procedural events, without awaiting a final Commission determination on the jurisdictional questions; and

(2). Thereupon issue at the earliest possible date a definitive decision answering the three enumerated jurisdictional questions set forth in the Introduction to this Petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a

party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1533 Filed 1-16-76;8:45 am]

[Docket No. RP73-17 (PGA 76-1B)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JANUARY 7, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), on January 2, 1976 tendered for filing Alternate Tenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 1, 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 change 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 1, 1976. The instant filing, according to Granite State, is in partial substitution for the similar filing made herein on December 23, 1975 (PGA-1A) and made solely to correct the January, 1976 PGA to conform with a change in Tennessee's corresponding rate increase proposal tendered on December 18, 1976 in Docket Nos. RP73-114, *et al.* (PGA 76-1, *et al.*)

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 Alternate Tenth Revised Sheet No. 3A is $151,833 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 upon 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 23, 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.76-1530 Filed 1-16-76;8:45 am]

[Docket No. ER76-404]

IOWA POWER AND LIGHT CO.

Proposed Rate Change

JANUARY 8, 1976.

Take notice that Iowa Power and Light Company (Iowa Power) on December 29, 1975, tendered for filing proposed changes in the following rate schedules:

Supplement No. 3 to Iowa Power Rate Schedule FPC No. 9
Supplement No. 3 to Iowa Power Rate Schedule FPC No. 13

The customers affected by the proposed change in rates are the Cities of Carlisle and Neola, Iowa. Iowa Power estimates that the proposed changes will increase revenues from jurisdictional sales and service by $189,840.00, based on the twelve month period ended September 30, 1975. Iowa Power states that it has submitted a proposed energy cost adjustment, in conformance with the principles set forth at Section 35.14 of the Commission's Regulations, to be incorporated into the rates for these customers. Iowa Power further states that the proposed increased rates and energy cost adjustment are necessary to attain a reasonable rate of return on the investment dedicated to serving these customers.

Iowa Power requests that the Commission accept these rate schedules for filing with an effective date of January 21, 1976.

Copies of this filing have been served by first class mail upon the Cities of Carlisle and Neola, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 21, 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.76-1534 Filed 1-16-76;8:45 am]

[Docket No. ER76-436]

KANSAS CITY POWER & LIGHT CO.

Cancellation of Rate Schedule

JANUARY 8, 1976.

Take notice that on January 2, 1976, there was tendered for filing by Kansas City Power & Light Company (KCPL) a notice of cancellation of Supplement No. 1 to Rate Schedule FPC No. 53 to be effective December 31, 1975. The rate is applicable to service between Kansas City Power & Light Company and Missouri Public Service Company (MPS).

KCPL states that service is no longer available under the terms of Supplement No. 1 to Rate Schedule FPC No. 53.

KCPL states that a copy of the notice of cancellation was served upon MPS.

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 21, 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.76-1535 Filed 1-16-76;8:45 am]

[Docket No. ER76-435]

KANSAS CITY POWER & LIGHT CO.

Tariff Change

JANUARY 9, 1976.

Take notice that on January 2, 1976, there was tendered for filing by Kansas City Power & Light Company changes to the following listed rate schedules for the indicated Municipalities:

City	*Proposed rate change*
City of Marshall, Mo.	Rate schedule FPC No. 43.
City of Carrollton, Mo.	Rate schedule FPC No. 38.

The purpose of the filing is to bring the fuel adjustment clause of the rate schedules into conformance with the Regulations of the Commission pursuant to § 35.14 as modified by Order No. 517. In revising the fuel adjustment clause of the respective rate schedules KCPL states that the energy charge in the existing schedules was adjusted only to compensate for the revised fuel adjustment base cost and the proposed changed rate schedules result in charges equivalent to the existing schedules proposed to be superseded.

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 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protest-

ants 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.76-1542 Filed 1-16-76;8:45 am]

[Docket No. ER76-437]

KANSAS CITY POWER & LIGHT CO.

Tariff Change

JANUARY 9, 1976.

Take notice that on January 2, 1976, there was tendered for filing by Kansas City Power & Light Company changes to the following listed rate schedules for the indicated Municipalities:

City	*Proposed rate change*
City of Marshall, Mo.	Rate schedule FPC No. 43.
City of Osawatomie, Kans.	Docket No. ER76-131.
City of Ottawa, Kans.	Rate schedule FPC No. 70.
City of Kansas City, Kans. Board of Public Utilities.	Rate schedule FPC No. 54.

The purpose of the filing is to bring the fuel adjustment clause of the rate schedules into conformance with the Regulations of the Commission pursuant to § 35.14 as modified by Order No. 517. In revising the fuel adjustment clause of the respective rate schedules, KCPL states that the energy charge in the existing schedules was adjusted only to compensate for the revised fuel adjustment base cost and the proposed changed rate schedules result in charges equivalent to the existing schedules proposed to be superseded.

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 21, 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.76-1543 Filed 1-16-76;8:45 am]

[Docket No. RP73-8 (PGA76-5)]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 7, 1976.

Take notice that North Penn Gas Company (North Penn) on December 29, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective January 15, 1976. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending November 30, 1975, by $848.3 thousand annually.

North Penn states that the PGA filing was triggered by a general rate increase filed by Tennessee Gas Pipeline Company, at Docket No. RP75-113, to become effective January 15, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on January 15, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 22, 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.76-1531 Filed 1-16-76;8:45 am]

[Docket No. ER76-387]

PACIFIC POWER & LIGHT CO.

Initial Rate Filing

JANUARY 8, 1976.

Take notice that Pacific Power & Light Company (Pacific) on December 23, 1975, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, a new rate schedule for service to Montana-Dakota Utilities Co. (MDU).

The proposed rate schedule provides for Pacific to supply MDU with emergency replacement power during the shutdown of the MDU Acme Steam Generating Plant in August, September and October, 1975.

Pacific requests waiver of the Commission's notice requirements to permit the rate schedule to become effective August 20, 1975, which it claims is the date of commencement of service.

A copy of the filing was supplied to Montana-Dakota Utilities Co.

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 20, 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.76-1536 Filed 1-16-76;8:45 am]

[Docket No. RP73-36 (PGA76-1)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

JANUARY 8, 1976.

Take notice that on December 15, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Fifteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Panhandle submits that this revised tariff sheet reflects rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to § 16.6(e) of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; and

(2) A Rate Adjustment pursuant to § 18.4 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to § 18.2 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of February 1, 1976 is proposed.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings which are based in part on small producer and emergency purchases at rates above the level established by the Commission, Panhandle tendered for filing Alternate Fifteenth Revised Sheet No. 3-A, which Panhandle states includes the PGA rate adjustment exclusive of amounts attributable to purchases at rates above the level established by the Commission.

In the event that the Commission suspends Fifteenth Revised Sheet No. 3-A, Panhandle proposes that Alternate Fifteenth Revised Sheet No. 3-A be made effective February 1, 1976, and to remain in effect during the suspension period.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

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 20, 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.76-1537 Filed 1-16-76;8:45 am]

[Docket No. ER76-381]

PUBLIC SERVICE COMPANY OF COLORADO

Tariff Change

JANUARY 8, 1976.

Take notice that Public Service Company of Colorado (SCo) on December 22, 1975, tendered for filing proposed changes in its FPC Electric Rate Schedules Nos. 3, 6, 9, 11, 12, 13, 14 and 15. PSCo states that the changes include increased rates for wholesale electric service reflecting a general rate increase, a restatement of the Fossil Fuel Cost Adjustment, and a change in the base cost of fuel. The increased rate will increase revenues from jurisdictional sales and service by $7,684,261 based on the twelve month period ended December 31, 1976, according to the Company.

PSCo states that the general rate increase is necessary because of the effect on its operations of escalating prices and inadequate rate of return on its investment. The restatement of the Fossil Fuel Cost Adjustment is made in purported compliance with Commission Order No. 517 issued November 12, 1974, in Docket No. R-479, and the change in the base cost of fuel reflects an increase in the cost of fuel.

PSCo proposes an effective date for the instant filing of February 1, 1976, and states that copies of the filing have been mailed to each of its wholesale electric service customers and the Public Utilities Commission of the State of Colorado.

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 21, 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.76-1538 Filed 1-16-76;8:45 am]

[Docket No. CP76-210]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JANUARY 8, 1976.

Take notice that on December 24, 1975, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-210 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations, for a certificate of public convenience and necessity authorizing Transco to transport a quantity of natural gas estimated to average 425 Mcf per day on an interruptible basis for Ball Corporation (Ball), an existing industrial customer of Public Service Company of North Carolina, Inc. (Public Service), a Transco CD-2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Ball from production in the East Fenris Field, Evangeline Parish, Louisiana and delivered to Transco at the existing Phillips-Fenris Meter Station in Evangeline Parish, Louisiana. Transco will redeliver the transportation volumes to existing points of delivery to Public Service for the account of Ball. Ball will pay Transco an initial charge of 22 cents per Mcf delivered to Public Service for Ball's account, and Transco will retain 3.8 percent of the transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for high-priorty process use in Ball's Asheville, North Carolina facility.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 1976 file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1539 Filed 1-16-76;8:45 am]

[Docket Nos. RP73-35 (PGA76-1) and RP74-89 (AP76-2)]

TRUNKLINE GAS CO.

Notice of Revised Sheet

JANUARY 6, 1976.

Take notice that on December 15, 1975 Trunkline Gas Company (Trunkline) tendered for filing Fourteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1 Trunkline states the Revised Sheet shows these rate adjustments:

(1) An advance payment tracking adjustment pursuant to Article V of the Agreement as to Rates and Related Matters in Docket No. RP74-89;

(2) A purchased gas transmission and compression tracking adjustment pursuant to Article VI of the Agreement as to Rates and Related Matters in Docket No. RP74-89; and,

(3) A PGA rate adjustment in accordance with Section 18 of the General Terms and Conditions to show increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account.

Trunkline requests an effective date of February 1, 1976 for the Revised Sheet. Trunkline indicates that copies of this Revised Sheet have been served on all jurisdictional customers and applicable state regulatory agencies.

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 23, 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.76-1527 Filed 1-16-76;8:45 am]

[Docket No. ER76-374]

VIRGINIA ELECTRIC AND POWER CO.

Tendered Supplemental Contract

JANUARY 8, 1976.

Take notice that on December 19, 1975, Virginia Electric and Power Company, (VEPCO), tendered for filing a revised

contract supplement for Piney River Delivery Point (proposed FPC Rate Schedule No. 99–27, dated December 5, 1975). VEPCO states that the tendered supplement supersedes FPC Rate Schedule No. 94–3 dated March 20, 1967. The Company requests an effective date of November 25, 1975. The Company states that it no longer owns the protective equipment listed under item 5(3) of the contract supplement for Piney River Delivery Point of the Central Virginia Electric Cooperative, (CVEC), and that there will be no increase in the unit cost of electricity to CVEC as a result of the corrections in item 5(3) of the contract supplement.

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 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protentants 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.76–1540 Filed 1–16–76;8:45 am]

[Docket No. G–13450, et al.]

CITIES SERVICE OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 31, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–13450 [6] 12–8–75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Bluitt Gasoline Plant, Roosevelt County N. Mex.	[1] [2] [3] 25.5 [1] [4] [5] 56.3276	14.65
G–14548 C 11–24–75	American Petrofina Co., P.O. Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., San Juan Field, San Juan County, N. Mex.	[7] 68.173	15.025
G–17378 D 12–8–75	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	Transwestern Pipeline Co., Frass Field, Lipscomb County, Tex.	Well plugged and abandoned.	
CI61–1461 (CI70–1) E 11–28–75	Odessa Natural Corp. (successor to Champlin Petroleum Co.), P.O. Box 3908, Odessa, Tex. 79760.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp.	[1] 35.7875	14.65
CI70–657 [8] 12–8–75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 224, offshore Louisiana.	[1] [9] 52.5314	15.025
CI70–734 E 11–17–75	Diamond Shamrock Corp. (successor to Perryton Feeders, Inc.), P.O. Box 631, Amarillo, Tex. 79173.	Northern Natural Gas Co., section 66, Block 13, T&NO Survey, Ochiltree County, Tex.	[10] 18.0675	14.65
CI74–528 C 11–28–75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[11] [12] 61.25	14.65
CI76–143 F 12–5–75 [13]	Kerr-McGee Corp. (successor to Clark M. Clifford), P.O. Box 25861, Oklahoma City, Okla. 77125.	Natural Gas Pipeline Co. of America, Liverpool Field, Brazoria County, Tex.	[10] 17.2	14.65
CI76–232 A 11–24–75 [13]	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Lafourche Crossing Field, Lafourche Parish, La.	[14] [1] 53.527985	15.025
CI76–278 A 11–18–75	Mitchell Energy Corp., 3900 One Shell Plaza, Houston, Tex. 77002.	Natural Gas Pipeline Co., Northeast Provident City Field, Colorado and Lavaca Counties, Tex.	[1] 51.0	14.65
CI76–279 A 11–19–75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Cities Service Gas Co., Hamon Locke Field, Hemphill County, Tex.	[1] [13] 54.8357	14.65
CI76–281 B 11–24–75	Richard D. Buck, Jr., 1200 Liberty Tower, Oklahoma City, Okla. 77125.	Arkansas Louisiana Gas Co., Lacy Field, Blaine County, Okla.	Ceased to produce.	
CI76–282 A 11–24–75	Northwest Exploration Co., P.O. Box 1526, Salt Lake City, Utah 84110.	Northwest Pipeline Corp., Red Gap Prospect, Lincoln County, Wyo.	[16] 67.520	14.73
CI76–283 A 11–26–75	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Willow Springs, Gregg County, Tex.	Depleted	
CI76–284 A 11–28–75	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67207.	Kansas-Nebraska Natural Gas Co., Inc., Washington County, Colo.	[17] 51.0204	14.73
CI76–285 A 11–28–75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 73 Field, offshore Louisiana.	[1] [13] $1.63	15.025
CI76–286 A 11–28–75	Terra Resources, Inc., 5416 South Yale Ave., Tulsa, Okla. 74135.	Montana-Dakota Utilities Co., Swanson Creek Field, Phillips County, Mont.	[1] 52.02	15.025
CI76–287 A 12–1–75	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, Tex. 75250.	Transwestern Pipeline Co., Kennedy Farm Area, Eddy County, N. Mex.	[1] [13] $1.10	14.65
CI76–289 A 12–10–75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Reydon Field, Roger Mills County, Okla.	[18] 60.166	14.73
CI76–290 F 11–20–75	Continental Oil Co. (successor to Chevron Oil Co.), P.O. Box 2197, Houston, Tex. 77001.	Southern Natural Gas Co., North Bayou Long Field, Iberia Parish, La.	[10] 2.14	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-292..... B 12-4-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Tuttle Gas Unit Willow Springs Field, Gregg County, Tex.	Depleted	
CI76-294..... A 12-1-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Transwestern Pipeline Co., Grayburg Jackson Field, Eddy County, N. Mex.	[12] [13] $1.3738	14.65
CI76-295..... A 12-3-75	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Co., Southwest Bird Island Field Area, Kleberg County, Tex.	[20] 57.905945	14.65
CI76-296..... A 12-8-75	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Kansas-Nebraska Natural Gas Co., Inc., Zook Field, Pawnee County, Kans.	[21] 50.469	14.65
CI76-298..... A 12-10-75	Tenneco Oil Co., Baker and Botts, 3000 One Shell Plaza, Houston, Tex. 77002.	Michigan-Wisconsin Pipe Line Co., sections 30, 15, 17, Custer County, Okla.	[1] 54.32	14.65
CI76-299..... A 12-9-75	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Block 271 Field, Ship Shoal Area, offshore Louisiana.	[1] [12] 55.00	15.025

[1] Subject to upward and downward British thermal units adjustment.
[2] This price is for flowing gas.
[3] Includes 1.50¢/M ft³ for gathering.
[4] This price is for new gas.
[5] Includes 1.4919¢/M ft³ for gathering and 4.1127¢/M ft³ tax reimbursement.
[6] Applicant proposes to deliver gas at the Bluitt Gasoline Plant rather than the Lehman Gasoline Plant in Cochran County, Tex.
[7] For gas produced and sold from Lawson No. 2 Well, NE¼, Sec. 25, T. 30 N., Row, San Juan County, N. Mex.; includes 10.691¢/M ft³ upward British thermal units adjustment.
[8] Applicant requests authorization to continue the delivery of gas at redesignated delivery points, the inlet of the buyer's purchase meters on applicant's A platform in Block 224, and on applicant's C platform in Block 247, both in the Ship Shoal area.
[9] Includes a base rate of 52.0214 cents and gathering allowance of 0.5100 cent.
[10] Subject to downward British thermal units adjustment.
[11] Includes 4.93¢/M ft³ upward British thermal units adjustment with 1.49¢/M ft³ for gathering.
[12] Applicant is willing to accept a certificate in accordance with section 2.56a of the Commission's general policy and interpretations.
[13] Being renoticed to show change in the price.
[14] Includes 2.548951 cents upward British thermal units adjustment.
[15] Being renoticed to show the change in price.
[16] Includes 2.325¢/M ft³ tax reimbursement and 9.162¢/M ft³ upward British thermal units adjustment.
[17] Subject to upward and downward British thermal units adjustment, includes 0.0204¢/M ft³ tax reimbursement.
[18] Includes 4.198¢/M ft³ upward British thermal units adjustment.
[19] Includes 8.84¢/M ft³ tax reimbursement and 18.54¢/M ft³ upward British thermal units adjustment.
[20] Includes 2.370810¢/M ft³ upward British thermal units adjustment.
[21] Includes 0.254¢/M ft³ downward British thermal units adjustment.

[FR Doc.76-1329 Filed 1-16-76;8:45 am]

[Rate Schedule Nos. 92, et al.]

EXXON CORP., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

JANUARY 6, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before January 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
Dec. 12, 1975.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	92	El Paso Natural Gas Co.....	Permian Basin.
Dec. 17, 1975.....	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	44	.....do.....	Do.
Dec. 29, 1975.....	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	102	Mississippi River Transmission Corp.	Other Southwest.

[FR Doc.76-1330 Filed 1-16-76;8:45 am]

FINANCE-TECHNICAL ADVISORY COMMITTEE

Meeting

Place: Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, Conference Room 5200.

Date: February 5, 1976, 10:00 A.M.

Presiding: Mr. Jack Adelman, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Jack Adelman.
2. Remarks by Chairman and Vice Chairman—Mr. Edward Symonds, Mr. Charles Freund.
3. Meetings of Subgroups:
(a) Subgroup No. 1: Financial Sources.
(b) Subgroup No. 2: Financial Problems.
(c) Subgroup No. 3: Policy Options.
(4) Subgroup No. 4(a): Inflation—General.
(e) Subgroup No. 4(b): Inflation—Natural Gas Industry.
(f) Subgroup No. 5: Risks.
4. Other Business.
5. Adjournment—Mr. Jack Adelman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1308 Filed 1-16-76;8:45 am]

FEDERAL RESERVE SYSTEM

CITICORP

Order Approving Reconsideration

Citicorp, New York, New York, has requested reconsideration of the Order of November 10, 1975 (40 FR 53315), whereby the Board of Governors denied the application of Citicorp for prior approval of the acquisition of West Coast Credit Corporation, Seattle, Washington, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(8)).

The request for reconsideration is filed pursuant to § 262.3(g)(5) of the Board's Rules of Procedure, which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate." The Board finds that the request for reconsideration presents relevant facts or issues which appear appropriate in the public interest for the Board to consider. Accordingly, the request for reconsideration is hereby approved.

In order to facilitate such consideration, comments and views regarding the proposed acquisition may be filed with the Board not later than February 9, 1976. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented by Applicant's request for reconsideration, may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

By order of the Board of Governors,* effective January 9, 1976.

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

[FR Doc.76-1428 Filed 1-16-76;8:45 am]

FIRST LINCOLNWOOD CORP.

Order Denying Formation of Bank Holding Company

First Lincolnwood Corp., Lincolnwood, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act [12 U.S.C. § 1842(a)(1)] of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of The First National Bank of Lincolnwood, Lincolnwood, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act [12 U.S.C. § 1842(c)].

Applicant is a non-operating corporation organized under the laws of Illinois for the purpose of becoming a bank holding company through the acquisition of Bank. With deposits of $65.7 million, Bank holds approximately two-tenths of one per cent of the total deposits held by commercial banks in the relevant banking market (approximated by the Chicago area) and is the 67th largest of the market's 286 banks.[1] Inasmuch as this proposal represents essentially a transfer of Bank's ownership from individuals to a corporation owned by the same individuals, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not eleminate any significant existing competition nor foreclose potential competition, increase the concentration of banking resources, or have any adverse effect upon competition within the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that a bank holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will examine closely the condition of the applicant in each case with this consideration in mind. In connection with this proposal, Applicant will incur acquisition debt of approximately $3.7 million, which debt Applicant proposes to service over a twelve-year period primarily through earnings of Bank. In the Board's view, the projected earnings of Applicant over the debt-retirement period appear to be somewhat optimistic in view of Bank's previous earnings record and, even if actually realized, would not provide Applicant with the financial flexibility necessary to meet its annual debt service requirements while maintaining adequate capital at Bank. Furthermore, although Applicant has stated that Bank plans to augment its capital accounts through the sale of $1.1 million in equity capital and $1.0 million debt capital within three to six months of approval of this application, the Board is concerned that the financial requirements imposed upon Applicant as a result of the acquisition debt, and uncertainty as to the source of funds for Bank's proposed capital injections, could prevent Applicant from resolving any unforeseen problems that may arise at Bank. On the basis of the above banking factors, and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in the weakening of Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weight against approval of the application.

As indicated above, the proposed bank holding company formation is essentially a restructuring of the ownership interests of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served are consistent with, but do not lend weight toward, approval of the application.

On the basis of all of the circumstances concerning this application, the Board concludes that the banking considerations involved in the proposal present adverse factors bearing upon the financial conditions and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits to the convenience and needs of the relevant community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective [3] January 9, 1976.[4]

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

[FR Doc.76-1429 Filed 1-16-76;8:45 am]

* Voting for this action: Vice Chairman Mitchell and Governors Holland and Partee. Voting against this section: Governor Coldwell. Absent and not voting: Chairman Burns and Governors Wallich and Jackson.

[1] All banking data are as of December 31, 1974, unless otherwise indicated.

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

[3] Board action was taken while Governor Bucher was a Board member.

[4] Board action was taken before Governor Partee became a Board member.

FLANDREAU HOLDING COMPANY

Formation of Bank Holding Company

Flandreau Holding Company, Flandreau, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 92 per cent of the voting shares of Farmers State Bank, Flandreau, South Dakota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 1976.

Board of Governors of the Federal Reserve System, January 12, 1976.

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

[FR Doc.76-1430 Filed 1-16-76;8:45 am]

GAVIC SERVICES, INC.

Order Approving Formation of Bank Holding Company and Retention of Its Insurance Agency Activities

Gavic Services, Inc., Spring Valley, Wisconsin, has applied for the System's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.5% of the voting shares of The Bank of Spring Valley Spring Valley, Wisconsin ("Bank"). 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)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain its general insurance agency activities. Applicant engages in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been determined by the Board in § 225.4(a)(9)(iii) of Regulation Y as being closely related to banking and, therefore, permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested person to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 54305). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant, an operating insurance agency, proposes to become a bank holding company through acquisition of Bank. Bank, with deposits of $10.5 million representing less than 0.1% of the

total commercial bank deposits in the State,[1] is the twelfth largest of twenty-five banking organizations in the relevant banking market.[2] Bank holds 2.4% of deposits in the market and upon consummation of the proposal, Applicant would replace Bank as the 269th largest commercial banking organization in the State. Bank also operates a branch office at Plumb City, Wisconsin, which is located ten miles south of Spring Valley and also is considered to be within the relevant market. Inasmuch as Applicant has no existing subsidiary banks and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would not eliminate any existing or potential competition. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval, particularly in view of Applicant's commitment to improve Bank's equity capital position. Although Applicant will incure some debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. There is no evidence that the banking needs of the community are not being satisfactorily served. However, the proposed reorganization and increase in equity capital should enhance Bank's financial condition and improve its ability to serve its customers. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. In conclusion, it is the judgment of the Federal Reserve Bank of Minneapolis that the application should be approved.

Applicant also has applied, pursuant to § 225.4(a)(9)(iii) of Regulation Y, for permission to retain its general insurance agency business conducted in Spring Valley, Wisconsin, a town which has a population of less than 5,000 people. The sale of credit life, accident and health insurance will continue to be conducted by Bank and all related commission income and expense will be recorded on the accounts of Bank. It does not appear that the application of Gavic Services, Inc., to retain its insurance agency business would have any adverse effect on existing or future competition. Approval of the application would assure residents of the area a continued convenient source of insurance services, which factor can be regarded as in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Federal Reserve Bank of Minneapolis has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors that must be considered under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, pursuant to the provisions of 12 CFR 265.2(f)(22) and (32) of the Board's Rules Regarding Delegation of Authority, and on the basis of the record summarized above, the Federal Reserve Bank of Minneapolis hereby approves the applications. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Federal Reserve Bank of Minneapolis, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective January 7, 1976.

[SEAL] L. G. GABLE,
Vice President.

[FR Doc.76-1431 Filed 1-16-76; 8:45 am]

[1] All banking data are as of December 1974.

[2] Relevant market has been approximated by Chippewa and Dunn Counties, the northwestern 80% of Eau Claire County, as well as portions of Pierce, Pepin, Buffalo and Barron Counties.

NATIONAL DETROIT CORP.

Proposed Acquisition of NDC Insurance Company

National Detroit Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire all of the voting shares of NDC Insurance Company, Detroit, Michigan. Notice of the application was published on December 17, 1975, in The Detroit News, a newspaper circulated in Detroit, Michigan.

Applicant states that the proposed subsidiary would engage in the activity of the reinsuring of credit life insurance underwritten in connection with the lending activities of Applicant's banking subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 9, 1976.

Board of Governors of the Federal Reserve System, January 12, 1976.

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

[FR Doc.76-1432 Filed 1-16-76; 8:45 am]

NEVADA BRICK AND TILE CO.

Order Approving Acquisition of Bank

Nevada Brick and Tile Co., Nevada, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire 19.99 per cent, and to retain[1] 1,375, of the voting shares of Nevada National Bank, Nevada, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, whose principal business activity is the manufacture of clay products,[2] became a bank holding company as a result of the 1970 Amendments to the Bank Holding Company Act and currently owns 35.6 per cent of the voting

[1] Applicant acquired a total of 1,375 shares of Bank without prior Board approval at various times during 1971, 1972, and 1973. Approximately 260 shares were acquired from members of the family that controls Applicant and from a former Bank director. The remaining shares were acquired in 1973 by converting Bank debentures Applicant held. It appears that these acquisitions without prior Board approval were based on bona fide misinterpretations of applicable statutes and regulations.

[2] Applicant has until December 31, 1980 to discontinue its clay production operations under section 4(a)(2) of the Act.

shares of Bank. Bank, with total deposits of approximately $22 million,[3] controls approximately 0.2 per cent of the total deposits in commercial banks in the State and is the third largest of the 13 banks in the relevant market with approximately 12.7 per cent of the total deposits in the relevant market.[4] Applicant proposes to acquire 2,330 shares, or 19.99 per cent of the shares of Bank, from the family that controls Applicant and also to retain shares of Bank acquired without the prior approval of the Board.

In accord with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding Applicant's acquisitions of shares of Bank without Board approval. Upon an examination of all the facts of record, the Board believes that the facts surrounding the violations in this case are not such as would call for denial of this application.

Because the proposed acquisition is essentially a reorganization of family interest, consummation of the proposal would not eliminate existing or potential competition, or increase the concentration of banking resources or have an adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change in the services or facilities of Bank as a result of the acquisition, it does not appear that the needs of the Nevada community are going unserved and considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[5] effective January 9, 1976.

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

[FR Doc.76-1433 Filed 1-16-76;8:45 am]

[3] All banking data are as of June 30, 1975.

[4] The relevant market is approximated by the boundaries of Story County.

[5] Voting for this action: Vice Chairman Mitchell and Governors Holland, Coldwell, and Partee. Absent and not voting: Chairman Burns and Governors Wallich and Jackson.

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, February 3, 1976, from 10:00 a.m. to 4:00 p.m., 1776 Peachtree Street NW., Atlanta, Georgia 30309. The meeting will be concerned with the review of the conceptual design for the Jackson, Mississippi, Federal Building. Frank and critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

Date: January 12, 1975.

L. D. STROM,
Regional Administrator.

[FR Doc.76-1759 Filed 1-16-76;11:36 am

INTERNATIONAL TRADE COMMISSION

BIRCH THREE-PLY DOOR SKINS FROM JAPAN

Determination of Injury

JANUARY 12, 1976.

On October 10, 1975, the United States International Trade Commission received advice from the Department of the Treasury that birch three-ply door skins from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on October 22, 1975, the Commission instituted investigation No. AA1921-150 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such birch three-ply door skins into the United States.

Notice of the institution of the investigation and of the public hearing to be held in connection therewith was published in the FEDERAL REGISTER (40 FR 50575). The hearing was held on November 13, 1975.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

The United States International Trade Commission has determined by a vote of 4 to 2 (Commissioners Parker and Ablondi dissenting) that an industry in the United States is being injured [1] by reason of the importation of birch three-ply door skins from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS MOORE AND BEDELL

On the basis of the reasons cited below, we have determined that an industry in the United States is being or is likely to be injured by reason of the importation of birch three-ply door skins from Japan which the Department of the Treasury found are being, or are likely to be, sold at less than fair value (LTFV).

The LTFV determination by the Department of the Treasury is based upon an examination of some four-fifths of Japanese exports of birch three-ply door skins to the United States during the 7-month period August 1974 through February 1975. It found that 82 percent of the sales examined were made at LTFV. The margins of dumping were substantial, averaging 22 percent and in some cases exceeding 50 percent. The Commission's investigation disclosed that these margins of dumping were in most instances large enough to account for the entire amount by which the LTFV imports undersold domestically produced birch door skins.

Examination of the injury criteria which must be considered to determine whether the statutory requirement pertaining to injury or likelihood of injury to an industry in the United States is met satisfies us that an affirmative determination is required in this case.

Productive facilities accounting for more than a majority of the aggregate domestic production of birch three-ply door skins during 1970-74 have been idle since October 1974. The closure of the plant of the largest domestic producer occurred during the period in which LTFV sales were found. The number of production and related workers employed in the manufacture of birch three-ply door skins dropped by more than 70 percent from a range of 300 to 400 in mid-1974 to fewer than 100 in late 1974.

Domestic producers accounting for more than nine-tenths of the aggregate U.S. production of birch three-ply door skins during the period January 1970 to June 1975 reported net operating profits in 1973, but in 1974, these producers suffered a substantial net operating loss.

Sales of birch three-ply door skins by domestic producers fell from $5.6 million in 1973 and $2.9 million in the first half of 1974 to $1.2 million in the second half of 1974 and to less than $100,000 in the first quarter of 1975.

Evidence of price suppression and price depression suffered by domestic producers is also clear. For example, the selling prices of a large producer show a decrease in excess of 10 percent between the second and fourth quarters of 1974. Domestic producers' selling prices remained at a depressed level during the first quarter of 1975. The reduction in domestic producers' selling prices took place despite increasing unit costs of

[1] Commissioners Moore and Bedell have also determined that an industry is likely to be injured.

production occasioned by declining volume and rising material costs.

The present condition of the U.S. industry contrasts strikingly with conditions prior to the penetration of LTFV imports into the domestic market. As the quantity of LTFV imports and their dumping margins increased during the second half of 1974, there was a corresponding increase in the extent of injury suffered by the domestic industry.

The success of the LTFV imports in displacing sales by U.S. producers, with its attendant injury to the domestic industry, can be seen most clearly by examining changes in the market shares held by United States and Japanese producers. During the period January 1970 through June 1974, domestic producers of birch door skins steadily increased their share of the U.S. market. In the second half of 1974, however, there were substantial changes in the market shares held by United States and Japanese producers. The U.S. producers' market share dropped from 27 percent during the first half of the year to 15 percent during the last quarter, whereas the Japanese share rose from 37 percent to 65 percent.

In summary, the injury that the U.S. industry producing birch three-ply door skins suffered in the form of a reduced share of the market, idling of productive facilities, decline in employment, reduced sales, price depression and price suppression, and declining profit position is directly related to imports of birch three-ply door skins from Japan sold at LTFV. We believe that these conditions will continue in the future if birch three-ply door skins continue to be sold at LTFV.

Therefore, on the basis of the foregoing, we have determined that an industry in the United States is being or is likely to be injured by reason of the importation of birch three-ply door skins from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN WILL E. LEONARD

On October 10, 1975, the United States International Trade Commission received advice from the Department of the Treasury (Treasury) that birch three-ply door skins from Japan are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.[2] Accordingly, on October 22, 1975, the Commission instituted investigation No. AA1921–150 under said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

For the reasons set forth below, I determine that an industry in the United States is being injured by reason of the importation of birch three-ply door skins from Japan which Treasury has determined are being, or are likely to be, sold at LTFV.

BIRCH DOOR SKINS REVISITED

Prior to this antidumping investigation, the Commission in 1975 conducted under other statutes two investigations involving birch plywood door skins; such door skins are generally made of three plies of veneer glued together into a sheet with the face ply of birch and are used in making doors. In both previous investigations I reached a negative determination. However, the statutory criteria of the Antidumping Act (AA) are sufficiently different from those under which the two previous investigations were conducted, the so-called worker adjustment assistance provisions of the Trade Expansion Act of 1962 (TEA) and the "escape clause" provisions of the Trade Act of 1974 (TA), that the instant investigation requires a result different from those reached in *Birch Plywood Door Skins and Birch Veneer Panels . . . Investigation No. TEA–W–259 Under Section 301(c)(2) of the Trade Expansion Act of 1962*, February 1975, and *Birch Plywood Door Skins . . . Investigation No. TA–201–1 Under section 201 of the Trade Act of 1974*, October 1975.

TEA.—Section 301(c)(2) of the TEA directed the Commission—

> to determine whether, as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

My determination in investigation No. TEA–W–259 was in the negative, and I indicated in the report on that investigation that the evidence did not satisfy the statutory requirement that increased imports be a result in major part of trade-agreement concessions.

TA.—The Commission is directed by section 201(a)(1) of the TA—

> to determine whether an article 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.

My negative determination in investigation No. TA–201–1 was based upon the fact that I was unable to find such increased quantities of imports of the articles concerned.

AA.—In contrast to the worker-adjustment-assistance requirements of the TEA and the escape-clause requirements of the TA just cited, the AA requires for an affirmative determination that the Commission find that "an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such (LTFV) merchandise into the United States * * *" Thus, under the AA there is no need to find "increased quantities" of imports or to tie such increased imports to trade-agreement concessions as was required under the TA and the TEA, respectively, in the previous investigations cited.

Further, the Committee on Finance of the United States Senate in its report on what was to become the TA stated with respect to the Antidumping Act: [3]

> Moreover, the law does not contemplate that injury from less-than-fair-value imports be weighed against other factors which may be contributing to injury to an industry. The words "by reason of" expres a causation link but do not mean that dumped imports must be a (or the) principal cause, a (or the) major cause, or a (or the) substantial cause of injury caused by all factors contributing to overall injury to an industry.
>
> In short, the Committee does not view injury caused by unfair competition, such as dumping, to require as strong a causation link to imports as would be required for determining the existence of injury under fair trade conditions.[4]

In short, to reach an affirmative determination in the instant investigation conducted under the AA, the causal nexus between imports and injury to the domestic industry need not be as strong as under the TEA and the TA. As I have stated previously,[5] sales at LTFV do not have to be the sole cause, the major cause, or greater than any other single cause of injury. All they must be is *a* cause of injury to an industry in the United States. The causative link between sales at LTFV and injury must be identifiable, i.e., one must be able to identify the injury as resulting at least in part from the LTFV sales.

INDUSTRY

The industry in this investigation most likely to be impacted by imports consists of the U.S. facilities devoted at least in part to the production of birch three-ply door skins. This industry presently consists of some seven establishments, one of which—the Quimby plant of the Columbia Plywood Corp.—ceased production in October 1974. Prior to its closure, this establishment—whose productive facilities have been kept intact—accounted for not less than a majority of the aggregate domestic production of birch three-ply door skins.

There are some additional facilities in the United States in which door skins of materials other than birch are manufactured. However, the apparently unique and desirable qualities of birch, coupled with its comparatively high price in rela-

---

[2] Treasury's determination of LTFV sales resulted from its investigation undertaken in response to a petition received on December 12, 1974, on behalf of the Allen Quimby Veneer Co., Bingham, Maine, a division of Columbia Plywood Corp., Portland, Oreg.

[3] The TA amended the AA in several respects, none of which are relevant to the instant determination.

[4] S. Rept. No. 93–1298 (93d Cong., 2d sess.), 1974, p. 180.

[5] U.S. Tariff Commission, *Elemental Sulfur from Mexico, Determination of Injury in Investigation No. AA1921–92 . . .*, 1972, p. 9.

tion to the prices of other common door-skin materials, are such as to have enabled birch door skins to achieve a market largely distinct from the markets of other door skins. Further, while the productive facilities used in manufacturing such door skins are suitable with some modification to producing other door skins, in fact such producers as Quimby have made birch door skins their major product.

IMPORTS

The imported articles found to be sold at LTFV by the Department of the Treasury and the imported articles covered by the Commission's notice of investigation in this proceeding are birch three-ply door skins. Treasury's LTFV determination is based upon an examination of more than four-fifths of the Japanese exports of birch three-ply door skins to the United States during the 7-month period August 1974 through February 1975. Treasury found that 82 percent of the sales it examined were made at LTFV. The margins of selling below fair value were substantial, averaging 22 percent and in some cases exceeding 50 percent. Imports of birch three-ply door skins from Japan accounted for about two-thirds of the aggregate apparent U.S. consumption of such door skins during the period examined by the Treasury.

INJURY

In the instant investigation there can be little doubt that the statutory criterion pertaining to injury to an industry in the United States has been satisfied. Productive facilities accounting for more than a majority of the total domestic production of birch three-ply door skins during 1970–74 have been idle since October 1974. The number of production and related workers employed in the manufacture of such door skins dropped from a range of 300 to 400 in mid-1974 to less than 100 in late 1974.

Sales of birch three-ply door skins by domestic producers fell from $5.6 million in 1973 and $2.9 million in the first half of 1974 to $1.2 million in the second half of 1974 and to less than $100,000 in the first quarter of 1975. Domestic producers accounting for more than nine-tenths of the aggregate U.S. production of birch three-ply door skins during the period January 1970-June 1975 reported a net operating profit in 1973, but in 1974 these same producers suffered a substantial net operating loss.

There is also evidence of price depression suffered by domestic producers; for example, the selling prices of the largest current producer declined more than 10 percent between the second and fourth quarters of 1974 and remained at a depressed level during the first quarter of 1975.

Injury to the domestic industry can also be seen by examining changes in the market shares held by United States and Japanese producers. During the period January 1970 through June 1974, domestic producers of birch three-ply door skins steadily increased their share of the U.S. market. In the second half of 1974, however, there were abrupt and substantial changes in the market shares held by United States and Japanese producers. The U.S. producers' market share dropped from 27 percent during the first half of 1974 to 17 percent in the third quarter and to 15 percent in the last quarter, while the Japanese share rose from 37 percent in the first half of the year to 65 percent in the last quarter.

CAUSATION

All the previously enumerated indicators of injury to the domestic industry appeared during the second half of 1974 and early 1975, which encompasses the period during which Treasury found LTFV sales—August 1974–February 1975. They also emerged concurrently with or soon after a dramtic drop in the price of imported Japanese birch three-ply door skins. The increased penetration of such imports into the U.S. market was largely attributable to their significantly lower prices made possible by substantial dumping marigns. The present precarious condition of the domestic industry contrasts strikingly with conditions prior to the penetration of LTFV imports into the U.S. market. As the quantity of LTFV imports and their margins of sale below fair value increased during the second half of 1974, there was a corresponding increase in the extent of injury suffered by the domestic industry.

Commissioners Moore, Bedell, Parker, and Ablondi asserted (at page 5) in *Birch Plywood Door Skins . . . Investigation No. TA–201–1 Under Section 201 of the Trade of 1974, October 1975*, that "the most important cause of the injury complained of by domestic producers of birch plywood door skins is the decrease in consumption of door skins resulting from the decline in housing starts." Housing starts do appear to be an important determinant of the demand for birch three-ply door skins. However, this does not preclude an affirmative determination in the instant investigation. As stated earlier, to find the requisite causation, the LTFV imports need only be an identifiable cause of the injury. I find the LTFV imports to be an identifiable cause of injury to the domestic industry in this investigation.

CONCLUSION

The domestic industry producing birch three-ply door skins is suffering injury in the form of a reduced share of the market, an idling of productive facilities, a decline in employment and sales, a price depression, and a declining profit position "by reason of," as such phrase is used in the AA, the importation of the birch three-ply door skins from Japan sold or likely to be sold at LTFV.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF VICE CHAIRMAN DANIEL MINCHEW

On October 10, 1975, the United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) that birch 3-ply door skins from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on October 22, 1975, the Commission instituted Investigation No. AA1921–150 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such birch plywood door skins into the United States.

In order to find in the affirmative, it is necessary that each of two conditions be met:

(1) There must be injury, or likelihood of injury to an industry in the United States, or an industry in the United States being prevented from being established; and

(2) Such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise that the Secretary of the Treasury had determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

LTFV IMPORTS

Treasury's LTFV determination is based upon an examination of some four-fifths of Japanese exports of birch 3-ply door skins to the United States during the 7-month period of August 1974 through February 1975. Treasury determined that 82 percent of the sales it examined were made at LTFV. The margins of LTFV were substantial, averaging 22 percent and in some instances exceeding 50 percent.

INJURY OR LIKELIHOOD OF INJURY

U.S. production of birch door skins dropped sharply in the fourth quarter of 1974, when the largest producer, Columbia Plywood Corporation, suspended manufacturing at its birch plywood door skins plant, the Allen Quimby Veneer Company (Quimby), in October of 1974.[6] The figures on production by the domestic industry show that in the first half of 1975 only 2.2 million square feet of birch door skins were manufactured, compared with 18.1 million square feet in the corresponding period of 1974.

The number of production and related workers employed in the manufacture of birch 3-ply door skins dropped by more than 70 percent from a range of 300 to 400 in mid-1974 to fewer than 100 in late 1974.

Sales of birch 3-ply door skins by domestic producers fell from $5.6 million in 1973 and $2.9 million in the first half of 1974 to $1.2 million in the second half of 1974 and less than $100,000 in the first quarter of 1975.

[6] The fact that Quimby has suspended manufacturing does not remove it from the industry in this case because of two important facts: first, that Quimby is maintaining its manufacturing facilities at considerable expense, rather than dismantling them or leaving them unattended, and, second, that the efforts to obtain relief were promptly made after suspension.

The Commission has recently held an investigation on the birch door skins industry to determine whether import relief should be granted to the domestic industry.[7] While the statutory criteria for finding affirmatively in that type of investigation are different from those in an antidumping investigation, we have looked at basically the same factual information with regard to injury. In the import relief investigation, I, alone, determined affirmatively and stated my views as to the type of remedy I would recommend. Nothing that I have seen in the facts presented in the current antidumping investigation would cause me to change my views on injury. I believe that the domestic birch 3-ply door skins industry has been injured and that the statutory criteria for injury have been met.

Having concluded that actual injury has been established, I do not believe it necessary to discuss the question of likelihood of injury.

CAUSATION

With injury to the domestic industry having been established, it is then necessary to establish that this injury has resulted "by reason of" the importation of the foreign merchandise at LTFV.

It is important to note that during the period of time in which Treasury was investigating the possibility of LTFV sales all of the indications of injury took place. This, in itself, would not necessarily establish the required causal connection but coupled with other indicators, it is an important factor.

The success of LTFV imports in displacing sales by domestic producers, with its attendant injury to the domestic industry, can be seen most clearly by examining changes in the market shares held by United States and Japanese producers. During the period of January 1970 through June 1974, domestic birch door skins producers received a small increase in their share of the United States market, but even with this slight upswing, domestic production accounted for only 27 percent of the United States market in 1973. In the second half of 1974, however, there were substantial changes in the market shares held by domestic and Japanese producers. The United States producers' market share dropped from 27 percent during the first half of the year to 15 percent during the last quarter, whereas the Japanese share rose from 37 percent to 65 percent.

The Commission's investigation disclosed that the margins of dumping averaged 22 percent (and in some cases exceeded 50 percent). These margins were large enough in most cases to account for the entire amount by which the LTFV imports undersold domestically produced birch door skins.

It was argued by some members of the Commission in the import relief investigation on birch door skins that the cause of injury to the domestic industry was "the decrease in consumption of door skins resulting from the decline in housing starts."[8] I disagreed with this view during that investigation, stating that I believed the "substantial cause" of injury to be increased imports from Japan. I further stated that I believed the Commission should take the industry as it is, even though it might be cyclical. In attempting to establish causation for purposes of the Antidumping Act, 1921, as amended, I see no reason to alter my position. I still believe the industry must be taken as it is and that the evidence clearly establishes that the injury to the domestic industry occurred "by reason of" the LTFV sales.

CONCLUSION

On the basis of the previously discussed considerations, I have concluded that the domestic birch plywood door skins industry is being injured by reason of the importation of birch 3-ply door skins from Japan sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS PARKER AND ABLONDI

The Antidumping Act, 1921, as amended, requires that the United States International Trade Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury or likelihood of injury to an industry in the United States, or an industry in the United States must be prevented from being established Second, such injury or likelihood of injury or prevention of establishment of an injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

For the reasons set forth below, we have determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of birch three-ply door skins from Japan sold or likely to be sold at LTFV.

The domestic industry of concern in this investigation consists principally of three companies. Of these three firms that market birch door skins, one sells on a very limited "special order" basis and one, the petitioner, by far the largest of the three, ceased production in October 1974. The third admitted in the record that it was not presently suffering injury.

Prior to this antidumping investigation, the Commission conducted two investigations involving birch door skins.[9] In investigation No. TA-201-1, pursuant to section 201 of the Trade Act, a majority of the Commissioners found that "the most important cause of the injury complained of by domestic producers of birch plywood door skins is the decrease in consumption of door skins resulting from the decline in housing starts." The evidence presented in this proceeding again demonstrates this apparent fact. However, the decision in investigation No. TA-201-1 is not controlling in this investigation.

The record in this investigation shows that from July-December 1973 to July-December 1974, while the housing industry was experiencing its most severe recession since World War II, residential housing starts declined by 39 percent. The volume of market lost in 1974, as compared with 1973, by reason of the decline in housing starts as measured by apparent consumption, was 52 million square feet (MMSF). Imports in 1974 fell 39 MMSF below the 1973 level, and the share of the market held by the U.S. industry until October 1974, when the principal domestic producer ceased production, was larger than in 1973. Domestic market share for all of 1974 was the same as in 1973. Imports of birch door skins in 1974, during which LTFV sales were occurring, were lower than imports of such articles in any years since 1962. Imports of wood doors, which are covered by door skins of various kinds, also declined sharply in 1974, by 40 percent.

The principal domestic producer of birch door skins was acquired by a "conglomerate" firm in May 1973. At that time, the company lost the services of its principal manager and engineer. During its first year under ownership, sales declined slightly. The decline continued throughout 1974 until the company ceased production in October 1974, 2 months before it filed the petition under the Antidumping Act with the Department of the Treasury.

Profits of domestic producers which accounted for more than nine-tenths of the aggregate U.S. production of birch three-ply door skins during the period 1970–74 have been erratic. Losses were suffered in the early part of the 5-year period; business was profitable during the housing boom of 1973, and declined as the recession hit the housing industry. The pricing policies of the domestic industry do not appear to have been directly related to demand.

In addition to the foregoing, the evidence does not disclose price depression or suppression by LTFV sales. The principal U.S. producer, accounting for a large percentage of domestic production, actually increased its prices twice in 1974. There is likewise no evidence of identifiable sales having been lost to Japanese LTFV imports. Only one alleged claim of a lost sale was made by the U.S. industry (actually made by the principal domestic producer), but investigation by the Commission could not verify this claim.

The major producer of birch door skins remaining after October 1974 has conceded that it is not presently suffering injury by reason of LTFV sales of birch door skins imported from Japan. State-

[7] See U.S. International Trade Commission *Birch Plywood Door Skins: Report to the President on Investigation No. TA-201-1* * * *, USITC Publication 743, October 1975.

[8] See *Birch Plywood Door Skins: Report . . . on Investigation No. TA-201-1*, "views of Commissioners Moore, Bedell, Parker, and Ablondi, p. 5.

[9] *Birch Plywood Door Skins and Birch Veneer Panels*, investigation No. TEA-W-259, ITC Publication 719, 1975; and *Birch Plywood Door Skins*, investigation No. TA-201-1, USITC Publication 743, 1975.

ments by the president of the principal U.S. producer, which ceased production in October 1974, indicated that import protection in the form of quotas or other means would be essential before the plan would return to production regardless of the outcome of this proceeding under the Antidumping Act.[10]

Prices of domestically produced birch door skins increased slightly in 1975, but prices of birch door skins imported from Japan increased substantially, so they were nearly comparable by September 1975.

For the last several years over half of the imports of birch door skins from Japan have entered on the west coast, which is not serviced by the domestic industry. This is one of the fastest growing areas in the United States. In fact, domestic producers have limited their marketing area to exclude the west coast. Neither of the primary domestic producers sold any significant quantity of birch door skins to customers west of the Mississippi River in 1974 or 1975 for this reason. Door manufacturers in this area of the United States must rely totally on imports to meet their birch-door-skin requirements, and sales of birch door skins from Japan in this area could not have caused injury to the domestic industry when the industry itself refrained from selling in this large market.

CONCLUSION

We conclude, therefore, that an industry in the United States is not being and is not likely to be injured by reason of the importation of birch three-ply door skins from Japan that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

By order of the Commission.

Issued: January 12, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-1493 Filed 1-16-76;8:45 am]

[AA1921-151]

BUTADIENE ACRYLONITRILE RUBBER

Investigation and Hearing

Having received advice from the Department of the Treasury on December 29, 1975, that butadiene acrylonitrile rubber from Japan is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on January 5, 1976, instituted investigation No. AA1921-151 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on Wednesday, February 11, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon, Friday, February 6, 1976.

By order of the Commission.

Issued: January 13, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-1492 Filed 1-16-76;8:45 am]

[337-TA-11]

CERTAIN ELECTRONIC PRINTING CALCULATORS

Termination of Investigation

Based upon the request filed with the United States International Trade Commission by Addmaster Corporation on April 3, 1975, with accompanying consent of Unitrex of America, Incorporated, and based upon the submission of the Commission investigative attorney, the United States International Trade Commission hereby gives notice of and orders the termination of the above-captioned investigation. This termination is founded upon the Commission's determination that there is no violation of section 337, Tariff Act of 1930, as amended (88 Stat. 2053), by reason of a settlement agreement entered into between Addmaster Corporation (the complainant), Unitrex of America, Inc. (the respondent), and Eiko Business Machine, Co., Ltd. (the foreign manufacturer of the subject components) and the consent judgment rendered by the United States District Court, Central District of California, which agreement and consent judgment cover United States Letters Patent 3,094,278, the patent in issue; the agreement and consent judgment have the effect of obviating any unfair methods of competition and unfair acts in the importation or sale of the articles which are the subject of the complaint on which this investigation was based. No finding has been made by the Commission as to whether there have been unfair methods of competition and unfair acts with respect to the subject articles.

Any objection and request for reconsideration of this action must be filed on or before January 29, 1976. Such objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the initiation of a preliminary inquiry (assigned docket number 337-L-75), based upon the receipt of a complaint filed by Addmaster Corporation was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31962). By notice published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24056), the preliminary inquiry was designated to be conducted as an investigation and accordingly assigned docket number 337-TA-11.

By order of the Commission:

Issued: January 13, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-1491 Filed 1-16-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, Atlantic City Electric Company (the licensees) for operation of the Peach Bottom Atomic Power Station Units 2 and 3 (the facilities) located in York County, Pennsylvania.

These amendments would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 18, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing

[10] Import relief was denied by the Commission (by a 5-to-1 vote) in investigation No. TA-201-1 (Birch Plywood Door Skins) on Oct. 20, 1975.

and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Eugene J. Bradley, Philadelphia Electric Company, Assistant General Counsel, 2301 Market Street, Philadelphia, Pennsylvania 19101, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Philadelphia Electric Company dated September 23, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. These license amendments and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 7th day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76-1265 Filed 1-16-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the co-licensees), for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York.

The amendment would revise the provisions relating to the modified low pressure coolant injection system, a component of the emergency core cooling system, for future reactor operation.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 18, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esq., LeBoeuf, Lamb, Leiby MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission, or by a licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from G. T. Berry to R. A. Purple dated July 24, 1975 and the letter from G. T. Berry to Robert W. Reid dated January 6, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswege City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 9th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-1266 Filed 1-16-76;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. AND PACIFIC POWER & LIGHT CO.

Issuance of an Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (licensees) which revised the license for operation of the Trojan Nuclear Plant, located in Columbia County, Oregon. The amendment is effective as of its date of issuance. The amendment clarifies the conditions of the license by specifically pointing out that the conditions ordered by the Atomic Safety and Licensing Board in its Operating License Initial Decision dated February 4, 1974, are implemented by the Environmental Technical Specifications, Appendix B, to the license.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in

connection with issuance of this amendment.

For further details with respect to this action, see Amendment No. 4 to License No. NPF–1. This item is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local public document room in the Columbia County Courthouse, Law Library, Circuit Courtroom, St. Helens, Oregon 97501.

A copy of the amendment may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Office of Nuclear Reactor Regulation.

Dated this 12th day of January 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Division of Reactor Licensing.

[FR Doc.76–1500 Filed 1–16–76;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 14, 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

Economic Research Service: National index of consumer satisfaction with food products, single-time, households, Sunderhuf, M. B., 395–6140.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration: Solar-geophysical data use questionnaire, single-time, recipients, Harry B. Sheftel, 395–5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

State and local Uses of Federal Education Funds: Feasibility Study Section 512 Capability Survey Instrument, OE–468, 1, single-time, State personnel, Human Resources Division, George Hall, 395–3532.

Financial Status and Performance Reports—Career Education, OE–467, semi-annually, LEA's and IHE's, Lowry, R. L., 395–3772.

State Plan for Assistance to States for State Equalization Plans, OE–469, single-time, SEA's, Human Resources Division, Collins, L., 395–3532.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Program Community Studies Contractural Epidemiological and Monitoring Activity, EPA 8510–1 through 8, on occasion, persons associated with pesticide usage, Dick Eisenger, 395–6140.

VETERANS ADMINISTRATION

Application and Enrollment Certification Individualized Tutorial Assistance, VA22–1990T, on occasion, veterans, Harry B. Sheftel, 395–5870.

Statement of Disappearance, 21–1775, on occasion, interested individuals, Harry B. Sheftel, 395–5870.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Report of Acreage and Field Determinations, ASCS–578, annually, participants in ASCS programs, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: Transactions of Primary Foreign Corporations With Secondary Foreign Corporations, BE–577A, annually, persons with investments abroad, Hulett, D. T., 395–4730.

DEPARTMENT OF LABOR

Employment and Training Administration: Manpower Activities of Grant Recipients, MT–258, on occasion, grant recipients, Harry B. Sheftel, 395–5870.

Apprenticeship Information Centers Monthly Report, ES–239, monthly, information centers, Caywood, D. P., 395–3443.

Employment Standards Administration: Monthly Employment Utilization Report, 66, monthly, construction contractors, Human Resources Division, Lowry, R. L., 395–3532.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: Sources and uses of Funds of U.S. Direct Investment Abroad, BE133, annually, corporations, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Information for the Wholesale Price Index, BLS–473C, monthly, petroleum companies, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–1660 Filed 1–16–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JANUARY 13, 1976.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., 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 14, 1976 through January 23, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76—1440 Filed 1–16–76;8:45 am]

[Rel. No. 19342; (37–67)]

EASTERN UTILITIES ASSOCIATES, ET AL.

Notice of Proposed Increase in Unsecured Borrowings by Service Company From Holding Company; Request for Exception From Competitive Bidding

JANUARY 12, 1976.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02017; Blackstone Valley Electric Co., P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Co., 36 Main Street, Brockton, Massachusetts 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Massachusetts 02722; Montaup Electric Co., P.O. Box 391, Fall River, Massachusetts 02722; EUA Service Corp., P.O. Box 2333, Boston, Massachusetts 02107.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, its four electric utility subsidiary companies, Blackstone Valley Electric Company, Brockton Edison Company, Fall River Electric Light Company and Montaup Electric Company, and the EUA Service Corporation ("Service Co.") have filed a post-effective amendment to their application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12 (c) and (f) and 13(b) of the Act and Rules 45(a) and 50 as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated March 5, 1971 (HCAR No. 17029) issued in this proceeding, EUA and its public utility subsidiaries were authorized to organize and operate Service Co. Service Co. was authorized to issue and sell to EUA 100 shares of Service Co. common stock at an aggregate par value of $1,000.

Service Co. was further authorized to issue and sell to EUA notes in the aggregate principal amount of $500,000. It

was proposed that Service Co. would at all times maintain its aggregate capital at an amount equal to the sum of two months' operating expenses, plus its depreciated fixed assets, plus prepayments and petty cash working funds.

By post-effective amendment filed in this proceeding, it is stated that EUA contemplates expanding the operations of Service Co. and that such expansion will require Service Co. to increase its borrowings from EUA. It is therefore requested that Service Co. be permitted to increase its authorized borrowings from EUA from $500,000 to an aggregate of $2,000,000. The borrowings will be evidenced by notes maturing on January 5, 1991, and will bear interest at an effective rate derived from the commercial bank base rate in effect from time to time at The First National Bank of Boston (adjusted as of the effective date of any change in such rate) together with an assumed compensating balance of 20%. The notes will be prepayable at any time without premium.

Applicants-declarants request, pursuant to Rule 50(a)(5), an exception from the competitive bidding requirements of Rule 50 to permit Service Co. to issue and sell the notes to EUA.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The only fees and expenses expected to be incurred in connection with the proposed transaction are legal fees of $1,650, to be paid by Service Co.

Notice is further given that any interested person may, not later than February 10, 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-declaration, as further amended by said post-effective amendment, 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 applicants-declarants at the above-stated addresses, 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-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1443 Filed 1-16-76;8:45 am]

[Rel. No. 12005; (SR-CBOE-1975-1)]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving CBOE Proposal To Trade Boise Options

JANUARY 12, 1976.

On September 10, 1975, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, ("CBOE") filed with the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b) as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) (the "Act") and Rule 19b-4 thereunder a proposal to commence trading in options for which the underlying security is the common stock of Boise Cascade Corporation ("Boise"). Under CBOE's proposal, Boise options would be traded on CBOE on the same expiration cycle as Boise options now traded on the PBW Stock Exchange, Inc. ("PBW").

Notice of the proposed rule change together with the terms of substance of the proposal was given by publication of a Commission release [1] and by publication in the FEDERAL REGISTER.[2] Interested persons were invited to submit written data, views and arguments concerning CBOE's proposal prior to October 14, 1975. Only PBW submitted a comment [3] in which it expressed its opposition to CBOE's proposal on the ground that it was designed to injure the competitive position of PBW and requested an evidentiary hearing including discovery procedures against CBOE. CBOE has consented to extensions of time within which the Commission was required to take specific action with respect to its proposal. On January 5, 1976, however, PBW determined to withdraw its previous opposition to CBOE's proposal.[4]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and therefore is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1441 Filed 1-16-76;8:45 am]

---

[1] Securities Exchange Act Release No. 11646 (September 12, 1975).

[2] 40 FR 43563 (September 22, 1975).

[3] Comment on PBW dated October 10, 1975. Securities and Exchange Commission File No. SR-CBOE-1975-1.

[4] Letter from Franklin Poul to Harvey Pitt dated January 5, 1976. Securities and Exchange Commission File No. SR-CBOE-1975-1.

[Rel. No. 19337; (70-5787)]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposal To Relinquish First Mortgage on Real Property in Return for Second Mortgage and Promissory Note

JANUARY 9, 1976.

Notice is hereby given that Consolidated Gas Supply Corporation, 445 West Main Street, Clarksburg, West Virginia 26301 ("Gas Supply"), a wholly-owned subsidiary of Consolidated Natural Gas Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a) and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

It is stated that on October 19, 1973 Gas Supply conveyed a tract of 123 acres located in Hackers Creek District, Lewis County, West Virginia, to Lewis County Development Company ("Development Company"). Development Company is a non-stock, non-profit West Virginia Corporation organized to construct industrial buildings for new industries in order to stimulate employment in and the economy of Lewis County, West Virginia. In consideration of the conveyance, Development Company agreed that Gas Supply would share in the proceeds from the sale of parcels of the land. Thereafter, Development Company applied to the Industrial Development Authority of the State of West Virginia for a loan in the amount of $250,000. The loan was approved on the condition that the agreement with Gas Supply be rescinded and the State Authority be granted a first deed of trust to secure its loan. It is therefore proposed that, in lieu of the original arrangement with Development Company, Gas Supply acquire a demand promissory note in the amount of $100,000, to bear interest at the rate of 10% per year, secured by a second deed of trust.

The expenses to be incurred in connection with the proposed transactions are estimated not to exceed $2,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

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 the filing 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 applicants-declarants 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-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1442 Filed 1-16-76;8:45 am]

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s

[Release No. 34-12006; File No. SR-SCC-76-1]

STOCK CLEARING CORP.

Proposed Rule Changes

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 January 6, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE PROPOSED RULE CHANGES

The following is the proposed text of proposed amendments to the Rules and Procedures of Stock Clearing Corporation:

Add the following at the end of Rule 1:

The term "Special Representative" has the meaning specified in Rule 39.

Amend Rule 7 as follows:

Renumber Section 10 as Section 11 and add a new section 10 as follows:

"Sec. 10. A Special Representative may submit, on any business day in accordance with the time schedules established or from time to time determined by the Corporation, odd-lot transaction data, which may reflect the netted results of other transactions, as to the rights and obligations of a Clearing Member which calls for the delivery of Cleared Securities and is between Clearing Members, notwithstanding the fact that the rights and obligations do not represent transactions compared under the foregoing sections of this Rule, provided that the data submitted regarding the transaction meets the requirements specified in the Procedures. The obligations of the Clearing Member reflected in such odd-lot transaction data shall be deemed to have been confirmed and acknowledged by the Clearing Member designated by the Special Representative as a party thereto and to have been adopted by such Clearing Member and, for the purposes of these Rules and determining the rights and obligations between the Corporation and any such Clearing Member under these Rules, shall be valid and binding upon such Clearing Member to the same extent as any transaction, and shall be deemed to be transactions, compared under this Rule. A Clearing Member which has been so designated by a Special Representative shall resolve any differences or claims regarding the rights and obligations reflected in the odd-lot transaction data submitted by the Special Representative with the Special Representative, and the Corporation shall have no responsibility in respect thereof or to adjust its records or the accounts of the Clearing Member in any way, otherwise than pursuant to the instructions of the Special Representative."

Amend Rule 11, Section 10 as follows:

"Sec. 10. A CNS Security shall be removed from the list of CNS Securities (a) immediately upon receipt by the Corporation of written notice from DTC that the security is no longer an Eligible Security under DTC's rules or (b) upon a determination by the Corporation that rights in respect of the security may expire, including the right to convert, exchange or tender the security for other securities or property and other rights of a similar nature, and such removal shall be promptly communicated to all Clearing Members by the Corporation. In such event, the Corporation shall, on the first Settlement Date on which such securities are not deliverable through the facilities of DTC and on each subsequent Settlement Date for any CNS Contracts entered in the CNS Accounting Operation prior to the effective date of removal, match with respect to each such Settlement Date opening Short and Long Positions in such security in that manner which the Corporation in its discretion may provide, issue receive and deliver security orders in respect thereof for each such day, which orders shall have the same status as security balance orders issued in connection with the Balance Order Accounting Operation and will be subject to those provisions of these Rules pertaining to such security balance orders unless otherwise specified by the Corporation and close out such positions in the CNS System by journal entry. Any CNS Contracts not entered into the CNS Accounting Operation prior to the effective date of removal, shall be deemed to be Balance Order Contracts and shall be settled in the Balance Order System under Rules 8, 9 and 10; *provided, however, that any such CNS Contract submitted by a Special Representative may, in the Corporation's discretion, be returned to the Special Representative in which case it shall not be settled through the facilities of the Corporation.*

Amend Rule 20, Section 5(b) as follows:

"(b) If the Time of Insolvency occurs when a Balance Order Accounting Operation covering transactions effected by the insolvent Clearing Member on a day prior to that on which the Time of Insolvency occurs has not been completed, the Corporation, in its discretion, may determine either (i) that such transactions shall be excluded from such incompleted Balance Order Accounting Operation or CNS Accounting Operation, in which case the exchange tickets covering such transactions which have been delivered to the Corporation shall be returned to the Clearing Member who issued the same *and any odd-lot transaction data submitted to the Corporation by a Special Representative under Section 10 of Rule 7 shall be returned to the Special Representative,* or (ii) that such of the transactions of the insolvent Clearing Member as have been compared by the Corporation *or submitted to the Corporation under section 10 of Rule 7* shall be included in such incompleted Balance Order Accounting Operation or CNS Accounting Operation and that such Operation shall be completed by the Corporation, in which case the provisions of Section 6 of this Rule shall apply to the security balance orders and the actions to be taken with respect thereto when the same are issued on completion of such Balance Order Accounting Operation and to the Completion of the CNS Accounting Operation; provided, however, that the Corporation shall not be required to handle any incompleted Balance Order Accounting Operation in the same manner as any incompleted CNS Accounting Operation."

Add the following new Rule 39:

"Rule 39. The Corporation may accept or rely upon any instruction given to the Corporation by a Clearing Member including wire transmission, physical delivery or delivery by other means of instructions recorded on magnetic tape or other media or of facsimile copies of instructions, in form acceptable to the Corporation and in accordance with the Procedures, which reasonably is understood by the Corporation to have been delivered to the Corporation by the Clearing Member, and the Corporation shall have no responsibility or liability for any errors which may occur, without negligence on the Corporation's part, in the course of transmission or recording of any transmissions or which may exist in any magnetic tape, document or other media so delivered to the Corporation.

"The Corporation may accept and rely upon any instruction given to the Corporation by a Special Representative,

including wire transmission, physical delivery or delivery by other means of instructions, in form acceptable to the Corporation and in acordance with the Procedures, which reasonably is understood by the Corporation to have been delivered to the Corporation by the Special Representative, provided that such instruction does not relate to the Comparison Operation, and the Corporation shall have no responsibility or liability for any errors which may occur, without negligence on the Corporation's part, in the course of transmission or recording of transmission or which may exist in any magnetic tape, document or other media so delivered to the Corporation and the Corporation shall be entitled to act pursuant to any such instruction as though such instruction had been received from the Clearing Member for which the Special Representative is acting.

"Any Clearing Member delivering instructions as provided above, or on whose behalf a Special Representative shall deliver instructions as provided above, shall indemnify the Corporation, and any of its employees, officers, directors, shareholders, agents, Settling Members and Non-Members who may sustain any loss, liability or expense as a result of (a) any act done in reliance upon the authenticity of any instruction received by the Corporation, (b) the inaccuracy of the information contained therein or (c) effecting transactions in reliance upon such information or instruction against any such loss, liability or expense so long as such transactions are effected in accordance with such information and instructions even though they be inaccurate or not authentic and so long as the person asserting a right to indemnification shall not have knowledge of such inaccuracy or lack of authenticity at the time of the event or events giving rise to such loss, liability or expense.

"Notwithstanding the foregoing, the Corporation will not act upon any instruction purporting to have been given by a Clearing Member or a Special Representative which is received by wire transmission or in the form of facsimile copies or magnetic tape or media other than written instructions or from a Special Representation commencing one business day after the Corporation receives written notice from the Clearing Member that the Corporation shall not accept such instructions until such time as the Clearing Member shall withdraw such notice.

"For the purposes of these Rules a Special Representative shall be (i) Carlisle de Coppet & Co., so long as it shall be a Clearing Member, but only to the extent that firm, or one or more of its partners, acts as an odd-lot dealer or broker and (ii) any Clearing Member, but only to the extent that it, or one or more of its partners or officers, acts as an odd-lot dealer or broker which Clearing Member applies to the Corporation for such status, provided, however, that the Corporation will not act upon any instruction received from a Special Representative which applies pursuant to this clause (ii) until 10 business days after written notice of its designation as such is delivered by the Corporation to Settling Members and Non-Members which notice shall be delivered by the Corporation promptly after its receipt of such application."

Amend the first paragraph on page 17 of the SCC Procedures as follows:

ACCOUNTING OPERATION

Compared trades generated by the Comparison Operation *and transactions deemed to be transactions compared under SCC Rule 7 by reason of Section 10 of said Rule 7* enter either the Balance Order Accounting Operation or the CNS Accounting Operation. The Balance Order Accounting Operation includes all Balance Order Securities except for transactions in Balance Order Securities for which receive and deliver security orders are issued which identify the original purchaser and seller and are issued at original contract money (e.g. Special Trades).

Amend the first paragraph of Section B on page 19 of the SCC Procedures as follows:

B. CNS ACCOUNTING OPERATION

All compared trades in CNS Securities (excluding Special Trades) are processed through the CNS Accounting Operation. This includes transactions compared on the T+1, T+2 and Added Trade Contract Lists. Purchases and sales are summarized on a Compared Trade Summary (see Figure 16.) This report lists the CNS Contracts in each security originally listed in the T+1, T+2 and Added Trade Contract Lists *as well as transactions submitted to SCC by a Special Representative.*

Add the following paragraph at the end of Section B on page 19 of the SCC Procedures:

The CNS Compared Trade Summary will reflect the transaction data submitted by Special Representatives (i.e. the share and money balance for each CNS Security) as a single item as provided to SCC by the Special Representative. The letter "C" in the first column of the Compared Trade Summary will identify such items. Each "As O" trade submitted to SCC by a Special Representative will appear on the Compared Trade Summary as an individual trade, will be identified as "As Of", and will show the original trade date.

STATEMENT OF BASIS AND PURPOSE

The Basis and purpose of the foregoing rule changes is as follows:

3. *Purpose of Proposed Rule Changes*

Odd-lot transactions effected on the Exchange are compared and netted by Carlisle De Coppett & Co. ("Carlisle"). Under existing procedures netted data is submitted to The Depository Trust Company ("DTC") and DTC, pursuant to its Rules, adjusts the accounts of DTC Participants in accordance with Carlisle's instructions. Carlisle acts as a Special Representative under DTC's Rules (see DTC Rule 6). The purpose of the proposed rule changes is to permit odd-lot transactions in securities which are eligible for the SCC CNS System to be settled through the CNS System rather than through DTC. As a consequence of this change, odd-lot transactions, already having been subject to some netting by Carlisle, will be netted with CNS positions. In addition, there will be a reduction in the number of deliveries which must be made. It is expected that the inclusion of odd-lot transactions in the CNS System will reduce the operations work required in the offices of SCC Clearing Members and reduce their expenses.

4. *Basis under the Act for Adopting the Proposed Rule Changes*

(a) Not Applicable.

(b) The proposed rule changes relate to SCC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes*

No comments have been received.

6. *Burden on Competition*

None.

Within 35 days (February 23, 1976) 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 changes, or

(B) Institute proceedings to determine whether the proposed rule changes 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 in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection 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 6, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1976.

[FR Doc.76-1445 Filed 1-16-76;8:45 am]

[Rel. No. 9120; (812-3837)]

TRAVELERS INSURANCE CO., ET AL.

Application

In the matter of the Travelers Insurance Co., the Travelers Fund B for Variable Annuities, and the Travelers Fund B-1 for Variable Annuities, One Tower Square, Hartford, Connecticut 06115.

Notice is hereby given that the Travelers Insurance Company ("Travelers"), a Connecticut stock life insurance company, The Travelers Fund B for Variable Annuities ("Account B") and The Travelers Fund B-1 for Variable Annuities ("Account B-1"), separate accounts of Travelers which are registered as open-end management investment companies under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as the ("Applicants"), filed an application on July 9, 1975, and amendments thereto on August 20, December 4, and December 29, 1975, pursuant to section 11 of the Act for an order on behalf of Applicants approving an offer of exchange, for an order pursuant to section 17(f) and for an order pursuant to section 6(c) of the Act granting exemptions from provisions of section 27(c)(2) and Rules 17f-2 and 22c-1 on behalf of Travelers and Account B-1, and for an order pursuant to section 6(c) of the Act granting exemption from provisions of Rule 22c-1 on behalf of Account B. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Account B and Account B-1 are separate accounts of Travelers and, in accordance with Connecticut law, are facilities through which Travelers sets aside and invests assets attributable to certain variable annuity contracts (the "variable annuity contracts").

The Travelers Corporation is a Connecticut stock insurance company which is the publicly held parent of The Travelers Group of companies.

Travelers Equities Fund, Inc. ("TEFI"), a Maryland corporation, is registered as a diversified open-end management investment company under the Act. The Travelers Investment Management Company and Travelers Equities Sales, Inc. act as investment adviser and principal underwriter respectively for Accounts B and B-1 and TEFI.

The Massachusetts Company, Inc., a wholly-owned subsidiary of The Travelers Corporation, is a corporate trustee and it or its subsidiaries act as investment adviser or distributor of Massachusetts Fund, Freedom Fund, Inc., Independence Fund, Inc. and Massachusetts Fund for Income (hereinafter collectively referred to as the "Massachusetts Funds") which are open-end management investment companies registered under the Act.

Section 11(a)

Section 11(a) of the Act makes it unlawful for any registered open-end company or any principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

A. Applicants seek an exemption from the requirements of section 11(a) to allow a shareholder of TEFI or any one of the Massachusetts Funds to transfer his accumulated investment in such investment company to a variable annuity contract issued by Account B or Account B-1 at net asset value plus the imposition of a transfer charge of $50 or 1.25% of the accumulated investment, whichever is lesser.

Applicants assert that it would be inappropriate to charge a shareholder of TEFI or any one of the Massachusetts Funds the sales charge for the exchange as no sales effort would be involved in the transaction. However, since there are expenses involved in effecting the transfer, it would be unfair to existing contractowners to allow these persosn to transfer their accounts and avoid these expenses. Applicants assert that the proposed charge will pay for the administrative costs involved in the transfer, will not be used to compensate any sales personnel, and will apply only to those shareholders who elect the transfer and, therefore, will not discriminate against those shareholders who do not make the election.

B. The variable annuity contracts of Account B and Account B-1 allow for the transfer of all or any part of the cash value (the number of accumulation units credited to the contract in that separate account multiplied by the then accumulation unit value for that separate account) from Account B to Account B-1 and vice versa. Applicants represent that Account B and Account B-1 have different investment objectives and the transfer privilege will allow the contractowner to change his investment media when he deems that the circumstances warrant it.

The Applicants request an exemption from the requirements of Section 11(a) to impose a $5.00 transfer charge to cover the cost of effecting the transfer except that there will be no charge imposed on the first transfer and there will be no charge on any request for transfer received between 60 and 30 days before the due date of the first annuity payment under the variable annuity contract. A contractowner will be notified between 90 and 60 days before the due date of the first annuity payment of his right to transfer cash value at no cost. Applicants will absorb the cost of a final transfer before the annuity payout commences in order that the contractowner may, at no cost, elect the investment media for the annuity payout period. At any time prior to 60 days before the annuity payout begins, Applicants will not consider a transfer of cash value to be the owner's final election. No transfer will be allowed less than 30 days prior to the commencement of the annuity payments due to the time necessary for administrative handling and no transfer will be allowed after the annuity payout period begins.

Applicants represent that the $5.00 transfer charge will be uniformly applied only to those individuals who exercise the transfer privilege to pay for the administrative cost involved and, therefore, will not be discriminatory to those contractowners who do not exercise the transfer privilege.

Section 17(f)(3) and Rule 17f-2

Section 17(f)(3) of the Act provides that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2(b) provides, with certain exceptions, that all securities and similar investments must be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by federal or state authority. Rule 17f-2(d) provides that no more than five persons shall have access to such investments.

Travelers and Account B-1 request an order pursuant to section 17(f) and, pursuant to section 6(c), an order of exemption from Rule 17f-2, to permit duly authorized representatives of the Connecticut Commissioner of Insurance to have access to the assets of Account B-1 on the grounds that adequate protection will be afforded to variable annuity contract owners.

The assets of Account B-1 will be deposited with the Hartford National Bank and Trust Company, Hartford, Connecticut, pursuant to a safekeeping agreement. Applicants represent that access by authorized representatives of the Connecticut Commissioner of Insurance will facilitate the regulatory functions of the Commissioner and will provide an additional protection for contractowners.

Rule 22c-1

Rule 22c-1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate actions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchaser or sell such security.

Applicants state that the requirements of Rule 22c-1 may not be met by the method proposed to be used by Accounts B and B-1 to apply the first purchase payment under the variable annuity contract. Under the proposed procedure, the first net purchase payment will be applied by Travelers to provide accumula-

tion units to the credit of the contract as of the valuation next following receipt of the purchase payment at the Travelers home office, or on the date indicated by the purchaser in the application for the contract, if later. An election by the purchaser of a later date could result in the sale of a security at a price which is not based on the current net asset value of such security which is next computed after receipt of an order to purchase such security. Applicants represent that it is industry practice to allow an investor to specify a date for applying the first payment under a variable annuity contract and that such a request by an investor is usually made for valid tax reasons.

Applicants request an exemption from Rule 22c–1 to allow the purchaser, if he elects, to designate a specific date for commencement of the variable annuity contract and to allow Travelers to apply the first purchase payment under the variable annuity contract in accordance with this designation.

Applicants assert that Rule 22c–1 was intended to eliminate dilution resulting from the sale, redemption or repurchase of securities at a price other than their net asset value and speculative trading practices which are unfair to the other shareholders of an investment company issuing redeemable securities. Applicants assert that this proposed valuation method would not lead to the abuses which Rule 22c–1 was designed to eliminate.

Section 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust. Section 26(a)(2) requires the trustee or custodian to segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Travelers and Account B–1 request an exemption from section 27(c)(2) to permit the proceeds of all payments under the variable annuity contracts for which Account B–1 is the funding medium to be held by Travelers on the ground that the obligations undertaken by Travelers, a regulated insurance company, to the holders of such contracts provide substantially the protection contemplated by the requirements of section 27(c)(2).

Travelers and Account B–1 have consented that the order granting exemption from section 27(c)(2) may be subject to the conditions that: (1) the charges for administrative services under the variable annuity contracts for which Account B–1 is the funding medium shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) the payment of sums and charges out of the assets of Account B–1 shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that the consent of Travelers and Account B–1 to the conditions shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Travelers and Account B–1 reserve the right to assert in any proceeding before the Commission, in any suit or action in any court or otherwise, that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c)

Section 6(c) of the Act provides in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provisions of the Act or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1976, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 9, 1976, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–1444 Filed 1–16–76;8:45 am]

[811–1346]

O'NEIL FUND

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 13, 1976.

In the Matter of O'NEILL FUND, 10960 Wilshire Boulevard, Los Angeles, California 90024.

Notice is hereby given that O'Neil Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management investment company, filed an application on November 10, 1975, and an amendment thereto on December 29, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a California corporation, registered under the Act by filing its Notification of Registration on Form N–8A under the Act on December 2, 1965. According to the application, Applicant and Selected Special Shares, Inc. ("Special"), also a diversified, open-end management investment company registered under the Act, entered into an Agreement and Plan of Reorganization ("Agreement") as of January 21, 1975, providing for the acquisition of substantially all of the assets of Applicant by Special in exchange for shares of common stock of Special to be distributed to Applicant's shareholders, and for the liquidation and subsequent dissolution of Applicant. It is said that on May 6, 1975, the shareholders of Applicant approved the Agreement by a majority vote of Applicant's outstanding voting securities and that the transactions contemplated by the Agreement were subsequently consumated on May 7, 1975.

The application states that, pursuant to the Agreement, Special acquired all assets of Applicant except cash in the amount of $173,910.53 retained to discharge liabilities of the Applicant and to pay a dividend to Applicant's shareholders; that the amount of cash so retained was excluded from the net asset value of Applicant as calculated for purposes of the merger; that the exchange of Applicant's assets for shares of Special was based upon the two companies' respective net asset values as so calculated; and that the cash so retained has been expended by Applicant for the purposes stated.

Applicant asserts that the shares of Special obtained in the exchange have been distributed to Applicant's former shareholders; that it now has neither shareholders nor assets; and that Applicant has filed a Certification of Election to Wind-up and Dissolve with the Secretary of State of the state of California.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 6, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1470 Filed 1-16-76;8:45 am]

[Release No. 34-11999; File No. SR-NCC-75-1]

NATIONAL CLEARING CORP.

Self-Regulatory Organizations

In the matter of proposed rule change by National Clearing Corporation.

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 8, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change. The changes to Article IX, By-Laws; Article 8, Addendum to the By-Laws; Operating Rules 3, 5, 7, 9 and 20; Interim Rule 103; and National Envelope Settlement System (NESS) Rule 11 of National Clearing Corporation (NCC) have been proposed so that NCC may continue the implementation of a nationwide clearing system for the over-the-counter market, with availability to eligible brokers, dealers and others without creating excessive exposure and liabilities to its participating members and the Clearing Corporation itself. The proposals would affect three areas of NCC's operations:

a. Capital requirements and standards for admission, continuance and expulsion;
b. Regulatory responsibilities and attendant standards of reporting; and
c. Protection of NCC, its members and their Clearing Fund Deposits.

STATEMENT OF BASIS AND PURPOSE

Purpose of Proposed Rule Change. The proposed amendments would operate in the following manner:

Operating Rule 3 (Clearing Member, Clearing Banks and Associated Banks) would reflect the intent of Rule 103.07, Interim Rules and the Policy Statement of the Board of Directors thereunder, giving NCC the ability to take certain action for the protection of itself and its members prior to a decision to cease-to-act for a member (for example, declining to act for any particular transaction or class of transactions).

Operating Rule 5 (Clearing Funds and Insurance Funds) would restructure the Clearing Fund in order to place greater emphasis on short positions in the Continuous Net Settlement (CNS) system so that an adjustment can be made for the bid price rather than the asked price in the event NCC must liquidate a position and to spur settlement of all short positions. Additionally, the minimum clearing fund deposit for the CNS system would be eliminated.

Rule 5 would provide (i) a method by which the Clearing Fund balance of a member known to be experiencing difficulties may be increased to further insulate NCC and its members from financial loss; (ii) a deterrent to a member's failure to pay within a designated time a demand for an additional clearing fund contribution; and (iii) for more flexibility to NCC in determining when excess Clearing Fund contributions should be returned to financially troubled members allowing recourse to the member.

Additionally, insurance funds with respect to the CNS system and free position movements within the CNS system would be established. The insurance funds would act as a buffer between the losses incurred by a defaulting member and the Clearing Fund deposits of other members.

Operating Rule 7 (Continuous Net Settlement Service). The proposed change to paragraph (g) would allow NCC, in allocating available securities to fill open positions, the ability to alter the allocation program so that positions of specific Clearing Members could be reduced when the Board deems such necessary for the protection of members and/or NCC.

Operating Rule 9 (Close-Out Procedure: Buying-In) would give NCC the ability to initiate buy-ins against Short Valued Positions after settlement day; effectively providing NCC and its members greater protection. In applying this buy-in provision, consideration would be given to the precipitating circumstances and other methods of protection may be resorted to, i.e., increased Clearing Fund requirements.

Operating Rule 20 (Schedules) would standardize NCC's capital requirements with the National Association of Securities Dealers, Inc. (the "Association"), i.e., the existing Commission rules. Additionally, the proposed changes would eliminate duplicative reporting responsibilities and assist in the free flow of information between Self-Regulatory Organizations and would assist in the development of nationwide standards for reporting required information.

Article XII, By-Laws (Rules), would allow the rules of NCC and any amendments thereto to prescribe, among other things, procedures for determining the rights and liabilities of Clearing Members with respect to the existing clearing funds and the clearing funds and insurance funds proposed herein.

Resolution of the Board of Directors. This Resolution would act to limit the Clearing Corporation's right to assess its participants in accordance with certain provisions of the rules and by-laws. Accordingly, participants would be put on appropriate notice with respect to the participant's potential individual assessment for loss liabilities pursuant to the rules and by-laws.

Article IX, By-Laws (Clearing Fund) would parallel the proposed changes to Operating Rule 5 in the Clearing and Insurance Fund areas.

Article 8, Addendum By-Laws (Clearing Fund) would provide NCC with the ability to increase the Envelope Settlement System (ESS) portion of the Clearing Fund at any time and by such amounts as the Board would deem necessary under the circumstances as well as the ability to require daily increases in a member's Clearing Fund requirement based upon that member's daily activity. Any such increase would be payable on demand unless the member elects that NCC shall cease to act for it. In such circumstances, any additional liability for loss would be fixed by the amount of its contribution as increased. An insurance fund capability would be added to act as a buffer in a similar manner as in the CNS system.

Additionally, the Board would have the ability to restrict the refunding of excess Clearing Fund deposits of members who threaten to become financially impaired.

Rule 103, Interim Rules (Obligations of Members) would standardize capital requirements for ESS with those of the CNS system effectively dovetailing with the Commission's standards.

National Envelope Settlement System Rule 11 (Clearing Fund). Non-disapproval of Rule 11 was originally reserved by the Commission in nondisapproving the NESS Rules in anticipation of standardizing the language of the Rule with that of Operating Rule 5. Thus, Rule 11 has been changed accordingly to reflect similar calculations for requirements.

Basis Under the Act for Proposed Rule Change. Section 17A(b)(3)(D) and (F) provide that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency are designed to, among other things, provide for the equitable allocation of reasonable dues, fees and other charges among its participants and to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which its is responsible, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions and, in general, to protect investors and the public interest. The proposed changes would assist NCC with the duties imposed upon it by the Act in that securities and monies for which NCC is responsible as well as NCC and its members, would be further protected in the areas of capital standards for member admission, continuance and expulsion, regulation and clearing funds, as NCC continues the process of implementing a nationwide clearing system for the over-the-counter market, accordingly, the proposals are in furtherance of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Twelve comment letters were received from the membership of the Association on the proposed amendments to the Surveillance and Mason Committee Rules. The letters were generally favorable although several letters suggested changes and clarifications to the proposed amendments which were considered and, in one case, a change was adopted by the Board. The proposed language regarding NCC's ability to demand assurances of a member's ability to meet its commitments (Operating Rule 3(g); the ability of NCC to require an increase in a member's Clearing Fund deposit (Section 8.01, By-Laws); and the ability of NCC to refuse a refund of a member's excess Clearing Fund deposit (Section 8.08, By-Laws) were revised in light of comment letters reviewed by the Board.

Fourteen comment letters were received from the membership of the Association with regard to the NESS rules; four of these letters addressed proposed Rule 11. The comments were generally favorable and several requested certain clarifications to the proposed rule. In one case a comment letter suggested the deletion of certain language contained in paragraph (e) of the proposed rule. The comment letters were reviewed by the Board and the suggested deletions mentioned hereinabove was adopted for clarity sake.

Burden on Competition. The Act directs that the rules of a registered clearing agency be designed in order to, among other things, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and provide for the equitable allocation of reasonable dues, feer and other charges among its participants, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest. The Act provides that a registered clearing agency may summarily suspend and close the account of a participant which, among other reasons, is in default of any delivery of funds or securities to the clearing agency or is in such financial or operating difficulty that the clearing agency determines and so notifies the appropriate self-regulatory agency for such participant that such suspension and closing of accounts are necessary for the protection of the clearing agency, its participants, creditors or investors. Additionally, the rules of a clearing agency must provide that its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction. Since the proposed amendments embody rules and standards with regard to capital requirements and standards for admission, continuance and expulsion, regulatory responsibilities and attendant standards of reporting and rules with respect to the protection of NCC, its members and their clearing fund deposits, it is felt that there is no burden on competition imposed by the proposals and that they are in furtherance of the purposes of the Act.

Within 35 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 argumenst 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 3 weeks of the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 9, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1471 Filed 1-16-76;8:45 am]

[Release No. 34-12003; File No. SR-PCC-76-1]

PACIFIC CLEARING CORP.

Self-Regulatory Organizations

In the matter of proposed rule change by Pacific Clearing Corporation.

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 January 7, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Text of Proposed Rule Change. The Pacific Clearing Corporation ("PCC") proposes to make an amendment to its current fee schedule. The amendment relates to charges for transactions cleared from a specialist post against another broker and then from that broker against interface (off-board and shipped through interface). In that event the charge to the broker will be the off-board trade comparison charge, the transaction value charge, the net settlement value charge and the interface charge. The text of the fee schedule describing these charges is set forth below.

DUES	*	$40 for each symbol			
POST CASHIERING	*	$600/post/month			
TRADE COMPARISON	*	PSE	OFFBOARD, OTC, ICP	MIN.	MAX.
		$.10/trade	$.20/trade	$.10	$.20
VALUE CHARGE ALL TRANSACTIONS	*	$.03/$1,000 of value		$.10/trade	$3/trade
VALUE CHARGE ON NET SETTLEMENTS, BY SECURITY	*	$.12/$1,000 of value		$.30/item	$7/item
		TOTAL	PSE:	$.50	$10.10
		MIN./MAX.	OTHER:	$.60	$10.20
BOND CLEARANCE	*	$.10/$1,000 par value, $.50 minimum, $5 maximum per transaction			
MAIL CLEARANCE	*	$.30/trade			
INTERFACE	*	$.30/trade for comparison and shipment			
PHYSICAL DELIVERY	*	$1 per item			
TRANSFER	*	$1/transfer; $2.50/accomodation transfer; (Plus postage and insurance)			
SECURITIES COLLECTION	*	$3 per item plus $2 per additional item to the same destination exclusive of shipping and correspondent charges			

Statement of Basis and Purpose. The basis and purpose of the foregoing proposed change is as follows:

The proposed increase in PCC fees is intended to generate additional revenues to meet rising expenses. The increase is consistent with increased expenses incurred by PCC in connection with the transactions that are the subject of the increase.

The proposed rule change, by changing the fees chargeable against participants for certain transactions, reflect the increased expenses of the clearing agency and relates to the equitable allocation of dues, fees and other charges among its participants.

Comments on the proposed amendment have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

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 of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection 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 three weeks, after the date of this publication. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 12, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1472 Filed 1-16-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

FIRST AMERICAN INVESTMENT CORP. AND FIDELITY CAPITAL CORP.

Filing of Application

Notice is hereby given that First American Investment Corporation (FAIC) and Fidelity Capital Corporation (FCC), 300 Interstate North, Atlanta, Georgia 30339, Federal Licensees under the Small Business Investment Act of 1958, as amended, (Act), have filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations governing Small Business Investment Companies (13 CFR 107.1004 (1975)) for approval of a conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, FAIC and FCC propose to provide additional financing of $550,000 to Orange Park North Corporation (OPNC) for the purpose of bringing current principal and interest past due and for future operating expenses.

The proposed financing is brought within the purview of Section 107.1004 of the SBA Regulations, since another non-licensed investment company, First Georgia Investment Company (FGIC), is affiliated with the licensed SBICs and had participated in prior investments in OPNC with FAIC and FCC. However, FGIC does not plan to participate in the proposed financing. The principal and interest past due to be brought current with this proposed financing is to be made to various debtors of OPNC which include FGIC and Retail Planning Corporation (RPC), another affiliated company of the licensed SBICs. The amount of the proposed financing to be used to bring current the past due amounts owed by OPNC to FGIC and RPC may be up to 23.4 percent of the additional financing proposed to be provided.

Notice is hereby given that any interested person may, not later than January 29, 1976, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 12, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1521 Filed 1-16-76;8:45 am]

[License No. 06/10-0077]

FIRST GROWTH CAPITAL, INC.

Filing of Application

Notice is hereby given that First Growth Capital, Inc. (FGC), 4412 N. Western, Suite 205, Oklahoma City, Oklahoma 73118, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to Sections 107.1004 and 107.1005 of the Regulations governing small business investment companies (13 CFR Sections 107.1004 and 107.1005 (1975)), for approval of a conflict of interest transaction.

In order to eliminate two investments that the Small Business Administration (SBA) considers to be regulatory problems, FGC proposes to sell the two investments to its parent, Barton Theatre Company (Barton).

FGC has provided $140,000 in financial assistance to Margon Enterprises, Inc. (Margon), on a ten year, 10½ percent debt security. Margon leases three theaters from Landmark Land Company, Inc. (Landmark), an Associate of FGC. The theaters are located in Oklahoma City, Tulsa, and Denver, Colorado. Under the terms of the proposed sale of this investment to Barton, FGC would receive $70,000 cash and a ten year, 10 percent note for $70,000.

FGC received 149,368 shares of stock in Landmark on September 30, 1971, in exchange for certain of FGC's assets which had been acquired in liquidation of portfolio investments. Mr. Gerald G. Barton, President of FGC, is also the President and a director of Landmark The shares of Landmark owned by FGC have a cost basis of $516,451, and are carried on FGC's books at a fair market value of $260,000. A recent market (ASE) quotation for Landmark stock was 1⅜ per share.

Under the terms of the proposed sale of the Landmark stock to Barton, FGC would receive $130,000 cash and a ten year, 10 percent note for $130,000.

Since Barton is considered to be an Associate of FGC pursuant to the provisions of Section 107.3 of SBA's Rules and Regulations, the transaction falls within the purview of Sections 107.1004 (b)(1) and 107.1005(a) of the Regulations and requires the prior written approval of SBA.

Notice is further given that any person may, not later than February 3, 1976, submit to SBA, in writing, comments on the proposed transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by FGC in a newspaper of general circulation in Oklahoma City, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: January 13, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1522 Filed 1-16-76;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-293]

COHN'S CLOTHING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-293: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit pants at Cohn's Clothing Company, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER November 19, 1975 (40 FR 53642). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cohn's Clothing Company, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Cohn's Clothing Co., Inc. declined 22 percent in the first nine months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Cohn's Clothing Co., Inc. declined 53 percent in the first nine months of 1975 compared to the first nine months of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent respectively in 1972 to 9.0 percent and 9.9 percent. The ratio of imports to domestic production increased from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas. Cohn's Clothing Co., Inc. stitched men's suit pants for men's clothing manufacturers. Imported men's clothing is considerably less expensive than the same type of clothing produced by these manufacturers for whom Cohn's Clothing stitched. Because customers have increased purchases of cheaper imported clothing, these manufacturers have been unable to compete in this market. As a result, they substantially reduced orders to Cohn's Clothing Company, leading to decreased production and separations of employees at the firm, beginning in December, 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit pants produced by Cohn's Clothing Company, Inc. contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All hourly, piecework and salaried employees at Cohn's Clothing Company, Incorported of New York, New York who became totally or partially separated from employment on or after December 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-1506 Filed 1-16-76;8:45 am]

[TA-W-288]

CRESCENT DE STASIO, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-288: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's topcoats and overcoats at Crescent de Stasio, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 17, 1975 (40 FR 53325). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crescent de Stasio, Inc., its customers, the Clothing Manufacturers Association of the United States of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion three has not been met. The evidence developed in the Department's investigation reveals that imports of men's and boys' overcoats and topcoats declined 11 percent from 1973 to 1974 and declined 8 percent in the first ten months of 1975 compared to the same period in 1974.

The evidence further developed in the Department's investigation indicated Crescent de Stasio stitches men's topcoats and overcoats exclusively for one manufacturer. Customers of this manufacturer decreased purchases because of changing styles and adverse sales conditions unrelated to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with overcoats and topcoats produced by Crescent de Stasio did not contribute importantly to total or partial separation of workers at the firm.

Signed at Washington, D.C. this 10th day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-1504 Filed 1-16-76;8:45 am]

[TA-W-289]

DINO CLOTHING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-289; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, coats, sport coats and was expanded to include ladies' blazers at the New York, New York plant of Dino Clothing. The investigation was expanded to include workers and former workers of the Oceanside, New York plant of Dino Clothing.

The notice of investigation was published in the FEDERAL REGISTER on November 17, 1975 (40 FR 53325). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dino Clothing, its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term contributed importantly "means a cause which is important but" not necessarily more important than any other cause.

Significant Total or Partial Separations.—The average number of production workers at the New York City and Oceanside, New York plants declined 19 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely.—Production at Dino Clothing plants in New York City and Oceanside, New York declined 27 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly.—Imports of boys' and men's suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively in 1972 to 9.0 percent and 9.9 percent respectively in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sport coats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively in 1972 to 18.2 percent and 22.3 percent, respectively in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas. Dino was formerly a contract stitcher solely for men's clothing manufacturers. Due to decreased orders Dino began stitching women's clothing in order to compensate for declining production of men's clothing. Stitching of women's clothing increased during 1974 and 1975 and now amounts to 60 percent of total production at Dino. However the orders from Dino's men's clothing manufacturers have continued to decline. Retail customers have decreased purchases of men's clothing from Dino's manufacturers in favor of less expensive imported men's clothing with greater styling appeal to consumers. As a result these manufacturers substantially reduced orders to Dino leading to decreased production and separation of employees at the firm.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sport coats produced at the Dino Clothing Company contributed importantly to the total or partial separation of the workers of the New York City and Oceanside, New York plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, and piecework employees engaged in employment related to the production of men's suits and sport coats at the New York City and Oceanside, New York plants of Dino Clothing Company who became totally or partially separated from employment on or after December 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-1507 Filed 1-16-76;8:45 am]

FERROUS BOLT, NUT, AND SCREW INDUSTRY

Study

On November 24, 1975, the International Trade Commission (ITC) determined that increased imports of bolts, nuts, and screws of iron or steel are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (40 FR 52668).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment asistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on bolts, nuts, and screws of iron or steel. The report found as follows:

1. On November 14, 1975, the Department of Labor certified an estimated 20 workers of Stillwater Associates of East Freetown, Massachusetts as eligible to apply for adjustment assistance in accordance with the provisions of the Act. As of December 4, 1975, no workers had yet applied for assistance.

2. Two groups of approximately 350 workers may apply for certification of eligibility to apply for adjustment assistance in the near future and may also be certified by the Department of Labor over the next year if current economic trends continue. If the pace of recovery slows, however, a number of the workers who have been laid off by the industry over the first 6 months of this year may qualify for adjustment assistance.

3. There will be difficulty in placing dislocated workers from East Freetown, Massachusetts in equivalent employment because of the local lack of demand for workers with their rather specialized skills and poor local economic conditions. Consequently, reemployment will involve retraining and relocation.

4. The workers in one of the groups which may be certified are located in a highly industrialized area in New York with a 7.1 percent local unemployment rate and the capacity for reabsorbing those who may become separated. On the other hand, the workers in the other group which may be certified are located in a rural Kentucky area with an unemployment rate of 8.1 percent and almost no alternative industrial employment opportunities. Reemployment would therefore require a considerable amount of relocation.

5. The Comprehensive Employment and Training Act (CETA) program in the East Freetown area may not be adequate to meet the needs of the displaced workers in view of the high general unemployment in the area.

The CETA programs in the New York area of potential impact appear to be sufficient to meet the needs of the small number who are likely to seek program services. In contrast, the CETA programs available in the Kentucky area appear to be inadequate. The Employment and Training Administration through its State Employment Service has the authority to purchase training when CETA funds are not available.

Copies of the Department report containing the nonconfidential information developed in the course of the 6-month investigation may be obtained, upon request, from the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 14th day of January, 1976.

JOEL SEGALL,
Deputy Under Secretary International Affairs.

[FR Doc.76-1503 Filed 1-16-76;8:45 am]

[TA-W-287]

HY-GRADE SPORTSWEAR CO., INC. AND HY-GRADE COAT CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-287: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sport coats and overcoats at the Hy-Grade Coat Co., Inc. Division of Hy-Grade Sportswear Co., Inc., of New York, New York. The investigation was expanded to include workers of Hy-Grade Sportswear Co., Inc. itself.

The notice of investigation was published in the FEDERAL REGISTER on November 17, 1975 (40 FR 53328). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hy-Grade Sportswear Co., Inc. and its Hy-Grade Coat Co. Division, their customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations.—The average number of production workers at Hy-Grade Sportswear declined 18 percent in 1974 compared to 1973 and declined 22 percent in the first nine months of 1975 compared to the first nine months of 1974. The average number of production workers at Hy-Grade Coat declined 33 percent in 1974 compared to 1973 and declined 43 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely.—Production at Hy-Grade Sportwear and Hy-Grade Coat declined 15 percent in 1974 compared to 1973. Production declined 56 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly.—Imports of articles like or directly competitive with men's suits produced at Hy-Grade Sportswear and Hy-Grade Coat increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively in 1972 to 9.0 percent and 9.9 percent, respectively in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's sport coats like or directly competitive with those produced at Hy-Grade Sportswear and Hy-Grade Coat increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent respectively in 1972 to 18.2 percent and 22.3 percent respectively in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas.

Major customers of Hy-Grade Sportswear and its Hy-Grade Coat Division decreased orders because of increased pur-

chases of less expensive imported clothing with greater styling appeal to consumers. As a result production at both firms began declining in 1974 and both firms were forced to separate employees.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the Hy-Grade Sportswear Co., Inc. and Hy-Grade Coat Division contributed importantly to the total or partial separation of the workers of their plant. In accordance with the provision of the Act, I make the following certification:

All hourly, piecework, and salaried workers of Hy-Grade Sportswear Co., New York, New York who become totally or partially separated on or after December 21, 1974 and its Hy-Grade Coat Division who became totally or partially separated from employment on or after October 19, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-1508 Filed 1-16-76;8:45 am]

[TA-W-546]

MOBIL OIL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 12, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Oil, Chemical and Atomic Workers, on behalf of the workers and former workers of the Marine Transportation Department, Beaumont, Texas of Mobile Oil Corporation, New York, New York (TA-W-546). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with petroleum and petroleum products produced by Mobil Oil Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 29, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-1509 Filed 1-16-76;8:45 am]

[TA-W-310]

RED BANK CLOTHING MANUFACTURING COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 The Department of Labor herein presents the results of TA-W-310; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on November 5, 1975 which was filed by the Amalgamated Clothing Workers of America (ACWA) on behalf of workers and former workers producing car coats and leisure jackets at Red Bank Clothing Manufacturing Company, Incorporated, Red Bank, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53646 and 53647). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Red Bank Clothing Mfg. Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 2 percent from 1973 to 1974 and 5 percent in the first three quarters of 1975 compared to the same period in 1974. Average weekly hours decreased 2 percent from 1973 to 1974 and declined 18 percent in the first three quarters of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production was shifted in October 1974 from car coats to leisure jackets. Production of leisure jackets ceased during the period from December 1974 through February 1975, and resumed in March 1975. The value of contracts increased 5 percent from 1973 to 1974, and decreased 19 percent in the first three quarters of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' coats and jackets decreased from 23 million units in 1973 to 20 million units in 1974, and decreased to 15 million units during the first ten months of 1975 from 16 million units for the same period of 1974. The ratio of imports to domestic consumption and production decreased from 24 percent and 31 percent, respectively, in 1973 to 21 percent and 26 percent, respectively, in 1974.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States, but are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first seven month of 1975 compared to the first seven months of 1974.

The evidence developed during the Department's investigation indicate that major customers of Red Bank Clothing's sole contracting manufacturer reduced or eliminated purchases of the type of car coats produced by Red Bank Clothing because of style changes in current retail markets.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the car coats and leisure jackets produced at Red Bank Clothing Mfg. Co., Red Bank, New Jersey did not contribute importantly to the total or partial separations at such plant.

Signed at Washington, D.C. this 10th day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-1505 Filed 1-16-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 952]

ASSIGNMENT OF HEARINGS

JANUARY 14, 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.

AB 1 Sub 35, Chicago and North Western Transportation Company Abandonment Between Heron Lake and Wilson, Inc. Jackson Nobles and Murray Counties, Minnesota, now being assigned March 2, 1976, (2 days), at Worthington, Minn.; in a hearing room to be later designated.

MC 41406 Sub 51, Artim Transportation System, Inc., now being assigned March 5, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 119654 (Sub-No. 29), Hi-Way Dispatch, Inc., now being assigned March 8, 1976 (2 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 128030 Sub 95, The Stout Trucking Co., Inc., now being assigned, March 10, 1976 (3 days), at Chicago, Ill.; in a hearing room to be later designated.

AB 12 Sub 7, Southern Pacific Transportation Company Abandonment Between Claribel and Montpellier, In Stanislaus County, California, now assigned February 19, 1976, at Modesto, California will be held at the Box Lobby, Main Post Office Building, 915 Kearney Avenue.

MC 107993 Sub 40, J. J. Willis Trucking Company, now assigned February 23, 1976, at San Francisco, California will be held in Room 15018, 5th Floor, 13001 Federal Building, 450 Golden Gate Avenue.

MC-F-12560, Continental Van Lines, Inc.—Purchase—Moving Corporation of America, Inc., now assigned February 25, 1976, at San Francisco, California will be held in Room 15018 5th Floor 13001 Federal Building, 450 Golden Gate Avenue.

MC 29 Sub 6, Continental Van Lines, Inc., now assigned February 25, 1976, at San Francisco, California will be held in Room 15018 5th Floor, 13001 Federal Building, 450 Golden Gate Avenue.

MC 97710 Sub 7, Peters Truck Lines, now assigned March 1, 1976 at San Francisco, California will be held in Room 15018, 5th Floor 13001 Federal Building, 450 Golden Gate Avenue.

MC-C-8775, Bobby R. Maness—Investigation of Operations, now assigned February 24, 1976, at Memphis, Tennessee will be held in Room 978 Federal Building, 167 North Main Street.

MC 61592 Sub 363, Jenkins Truck Line, Inc., now assigned February 25, 1976, at Memphis, Tennessee will be held in Room 978 Federal Building, 167 North Main Street.

MC 139306 Sub 5, Del R. Stanage and Joe R. Stanage d.b.a. Stanage Transportation, now assigned February 26, 1976, at Memphis, Tennessee will be held in Room 978 Federal Building, 167 North Main Street.

MC 113495 Sub 72, Gregory Heavy Haulers, Inc., now assigned March 1, 1976, at Memphis, Tennessee will be held in Room 978 Federal Building, 167 North Main Street.

AB 3 Sub 5, Missouri Pacific Railroad Company Abandonment Between Marvell and Holly Grove, In Monroe and Phillips Counties, Arkansas, now assigned March 3, 1976, at Helena, Ark., will be held at the City Hall Court Room, 226 Terry Street.

MC 133614 Sub 4, Pappas Trucking, Inc., now assigned March 1, 1976, at Denver, Colo., will be held in Room 578 Tax Court Room U.S. Federal Building, 19th & Stout Streets.

MC 133614 Sub 5, Pappas Trucking, Inc., now assigned February 24, 1976 at Denver, Colo., will be held in Room 578 Tax Court Room, U.S. Federal Building, 19th & Stout Streets.

MC 140707 Sub 1, High Plains Trucking, Inc., now assigned February 25, 1976, at Denver, Colo., will be held in Room 578 Tax Court Room, U.S. Federal Building, 19th & Stout Streets.

MC 100666 Sub 294, Melton Truck Lines, Inc., now assigned March 8, 1976, at Denver, Colo., will be held in the District County Courthouse, Juvenile Court Room, Basement West, 415 Tijeras, N.W.

MC 129631 Sub 44, Pack Transport, Inc., now assigned March 3, 1976, at Denver, Colo., will be held in Room 578 Tax Court Room, U.S. Federal Building, 19th & Stout Streets.

MC 130140 Sub-1, Connecticut Tours, Incorporated, now being assigned March 8, 1976 (2 days), at New Haven, Connecticut, in a hearing room to be later designated.

W 1294, Shoreline Boating Service, Inc., now being assigned March 10, 1976 (3 days), at New Haven, Connecticut, in a hearing room to be later designated.

MC-F-12428, Monahan Transportation Co., Inc.,—Purchase—The Connecticut Paper corporation, now being assigned March 4, 1976 (2 days), at Hartford, Connecticut, in a hearing room to be later designated.

MC 60203 Sub-8, Monahan Transportation Co., Inc., Warwich, R.I., now being assigned March 4, 1976 (2 days), at Hartford, Connecticut, in a hearing room to be later designated.

MC 140344, Unzicker Trucking, Inc., now assigned February 5, 1976, at Chicago, Ill., is cancelled and application dismissed.

MC 134755 Sub 54, Charter Express, Inc., now being assigned February 18, 1976, at Boston, Mass., in a hearing room to be later designated.

MC-F-12440, M & M Transportation Company—Purchase (Portion) Nelson Freightways, Inc., now being assigned February 19, 1976, at Boston, Mass., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1553 Filed 1-16-76;8:45 am]

[AB 6 (Sub-No. 16)]

BURLINGTON NORTHERN, INC.

Abandonment Between Maryville and Barnard, in Nodaway County, Missouri

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Nodaway County, Mo. on or before January 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 2nd day of January, 1976.

By the Commission, Commissioner MacFarland.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION

NOTICE

AB (Sub-No. 16)

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN MARYVILLE AND BARNARD, IN NODAWAY COUNTY, MISSOURI

The Interstate Commerce Commission hereby gives notice that by order dated January 2, 1976, it has been determined that the proposed abandonment by the Burlington Northern, Inc., of its line of railroad between Maryville and Barnard, a distance of 13.68 miles, all in Nodaway County, Mo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety, or ecological consequences associated with the proposed abandonment. Highways in the vicinity of the subject line are able to accommodate the resultant slight diversion to truck transportation. There are no development plans or land use policies in the tributary territory which are dependent on the availability of rail services. Furthermore, governmental units have expressed an interest in utilizing this right-of-way for recreational purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1552 Filed 1-16-76;8:45 am]

[AB 18 (Sub-No. 12)]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment Portion Dingess Run Branch Between Fort Branch and Wanda, in Logan County, West Virginia

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Logan County, W. Va., on or before January 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 2nd day of January, 1976.

By the Commission, Commissioner MacFarland.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION

NOTICE

AB 18 (Sub-No. 12)

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT PORTION DINGESS RUN BRANCH BETWEEN FORT BRANCH AND WANDA, IN LOGAN COUNTY, WEST VIRGINIA

The Interstate Commerce Commission hereby gives notice that by order dated January 2, 1976, it has been determined that the proposed abandonment of a 1.85 mile portion of the Chesapeake and Ohio Railway Company Dingess Run Branch between Fort Branch and Wanda, in Logan County, W. Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant since the only shipper on this portion of the line terminated operations on February 1973, with no subsequent demand for freight service. There should be no change in air quality or fuel consumption since there is no service provided on the line. Also there are no land use plans in existence which would necessitate the continued operation of the line.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1554 Filed 1-16-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 12, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-No. E59), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Kansas (except Kansas City, Kansas), on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and points in Illinois within 15 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E67), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and west of U.S. Highway 63, on the one hand, and, on the other, points in that part of Michigan on, east, and south of a line beginning at the Wisconsin State line, thence along Michigan Highway 95 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E81), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between Lincoln, Nebr., on the one hand, and, on the other, points in Michigan, (points in Iowa within 150 miles of Austin, Minn.)* and (2) between points in Michigan east and south of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 141 to U.S. Highway 41N to Lake Superior, on the one hand, and, on the other, points in Nebraska. (points in Illinois within 150 miles of Austin, Minn.)* The purpose of this filing is to eliminate the gateways of marked with asterisks.

No. MC 564 (Sub-No. E105), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa within 150-mile radius of Austin, Minn., and on and east of U.S. Highway 69, on the one hand, and, on the other, points in Oklahoma; (2) between points in that part of Iowa within 150-mile radius of Austin, Minn., on the one hand, and, on the other, points in that part of Oklahoma on and south of a line beginning at the Kansas-Oklahoma State line, thence along U.S Highway 75 to intersection with U.S. Highway 60, to intersection with Oklahoma Highway 99, to intersection U.S. Highway 64, to intersection U.S. Highway 77, to intersection Oklahoma Highway 33, to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E115), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between Lincoln, Nebr., on the one hand, and, on the other, points in Wisconsin (points in that part of Iowa within 150 miles of Austin, Minn.)*; (2) between points in Nebraska,

on the one hand, and, on the other, points in that part of Wisconsin on, south, and east of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 41 to intersection U.S. Highway 10, thence along U.S. Highway 10 to Wisconsin-Minnesota State line (except points in Wisconsin within 150-mile radius of Austin, Minn.) (points in Illinois within 150 miles of Austin, Minn.) * The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-No. E138), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between Lincoln, Nebr., on the one hand, and, on the other, points in Wisconsin (points in Iowa within 150 miles of Austin, Minn.) *; and (2) between points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line and extending along Wisconsin Highway 29 to junction Wisconsin Highway 52 to junction U.S. Highway 45, to junction Wisconsin Highway 64, to the Michigan-Wisconsin State line (except points in Wisconsin within 150 miles of Austin, Minn.) points in Nebraska (points in Illinois within 150 miles of Austin, Minn.) * The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-No. E167), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Ballard, McCracken, Marshall, Graves, Calloway, Carlisle, and Hickman Counties, Kentucky, on the one hand, and, on the other, points in that part of Minnesota within 150 miles of Austin, Minn., and on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E174), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and east of U.S. Highway 218 (except points in Iowa within 150 miles of Austin, Minn.), on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E175), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Minnesota on and east of U.S. Highway 53 on the one hand, and, on the other, points in that part of Iowa on and east of U.S. Highway 63 (except points in Iowa within 150-mile radius of Austin, Minn.); (2) between points in that part of Minnesota on and north of U.S. Highway 12 (except points in Minnesota within 150-mile radius of Austin, Minn.), on the one hand, and, on the other, points in that part of Iowa on and east of U.S. Highway 218 (except points in Iowa within 150-mile radius of Austin, Minn.) The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E186), filed June 4, 1974. Applicant: DUDLEYS TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Colorado, on the one hand, and, on the other, points in Michigan, and points in that part of Wisconsin on and east of Wisconsin Highway 13 (except points in Wisconsin within a 150-mile radius of Austin, Minn.); (2) between points in Wisconsin (except points within a 150-mile radius of Austin, Minn.), on the one hand, and, on the other, points in that part of Colorado on, west, and south of a line beginning at the New Mexico-Colorado State line, thence along Interstate Highway 25 to its intersection with Colorado State Highway 69, to intersection U.S. Highway 50, to intersection U.S. Highway 285, to intersection U.S. Highway 24, to intersection Colorado Highway 82, to intersection U.S. Highway 6, to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 14781 (Sub-No. E1), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: GOTTRY CORP., 999 Bahan Rd., Rochester, N.Y. 14624. Applicant's representative: Paul F. Sullivan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment (except aircraft, missiles, and parts thereof and except pipe, pipeline materials, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof); and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (except pipe, pipeline material, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof), restricted to those commodities which are transported on trailers; (c) . . . thence along U.S. Highway 62 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in Connecticut (except Fairfield and New Haven Counties). The purpose of this filing is to eliminate the gateway of Rochester or Monroe County, N.Y. The purpose of this partial correction is to correct the territorial description in (c) above. The remainder of this letter-notice remains as previously published.

No. MC 36426 (Sub-No. E2), filed June 5, 1974. Applicant: ADAMS WORLD WIDE MOVERS, 416 Route #17, Ramsey, N.J. 07446. Applicant's representative: Anthony Adams Fazio (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) from points in Orange and Rockland Counties, N.Y., and points in Bergen, Essex, Passaic, Morris, and Sussex Counties, N.J., to points in Florida; and (b) from points in Florida, to points in Orange and Rockland Counties, N.Y., and points in Bergen, Essex, Passaic, Morris, and Sussex Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 36426 (Sub-No. E5), filed June 5, 1974. Applicant: ADAMS WORLD WIDE MOVERS, 416 Route #17, Ramsay, N.J. 07446. Applicant's representative: Anthony Adam Fazio (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Bergen, Essex, Hudson, Morris, Passaic and Sussex Counties, N.J., to points in Florida. The purpose of this filing is to eliminate the gateway of New York, N.Y., and points in Connecticut, New Jersey, New York and Pennsylvania within 50 miles of New York, N.Y.

No. MC 50069 (Sub-No. E8), (correction), filed May 15, 1974, published in FEDERAL REGISTER issue of May 16, 1975, and partially republished, as corrected, this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline chloride), from Peoria, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Ver-

mont, Virginia and the District of Columbia, restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations, and choline choloride. The purpose of this filing is to eliminate the gateway of Carpentersville, Ill. The purpose of this partial republication is to correct the above commodity description and to add the exceptions thereto.

No. MC 51146 (Sub-No. E22), filed July 10, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wisconsin 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, and caps, covers, stoppers, and tops*, for glass containers, from the plantsite and warehouse facilities of Anchor Hocking Glass Corp., at or near Gurnee, Illinois, to points in North Dakota, South Dakota (except points south and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 281 to Pickstown, thence along South Dakota Highway 56 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Iowa State line), and Colorado (except points east and south of a line beginning at the Colorado-Oklahoma State line and extending along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-Kansas State line). (Shakopee, Minn.) * (2) *Glass containers, and caps, covers, tops, and stoppers*, for glass containers, from Plainfield, Ill., to points in North Dakota; points in South Dakota on and north of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 207 to Pine Ridge, thence along U.S. Highway 18 to the South Dakota-Iowa State line; points in Nebraska on, north, and west of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to the Nebraska-South Dakota State line; and points in Colorado west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to junction Colorado Highway 13, thence along Colorado Highway 13 to the Colorado-Wyoming State line. (Shakopee, Minn.) *

(3) *Glass containers, and caps, covers, tops, and stoppers* for glass containers, from Winchester, Indiana, to points in North Dakota; points in South Dakota (except points south and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81 to Yankton, thence along South Dakota Highway 50 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction South Dakota Highway 46, thence along South Dakota Highway 46 to the South Dakota-Iowa State line); points in Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line and extending along Iowa Highway 10 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction Iowa Highway 9, thence along Iowa Highway 9 to Esterville, thence along Iowa Highway 4 to the Iowa-Minnesota State line; points in Nebraska on, north, and west of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 30 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 20, thence along U.S. Highway 20 to Valentine, to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line; and points in Colorado on, north, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13 to the Wyoming-Colorado State line. (Plainfield, Ill., and Shakopee, Minn.) * (4) *Glass containers and caps* for glass containers, from Hillsboro, Ill., to points in North Dakota, and points in South Dakota on and north of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 385 to Pluma, thence along U.S. Highway 385 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line. (Plainfield, Ill., and Shakopee, Minn.) *

(5) *Glass containers*, from Gas City, Indiana, to points in North Dakota, South Dakota (except points south of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 281 to Pickstown, thence along South Dakota Highway 46 to the South Dakota-Iowa State line); points in Iowa on and north of a line beginning at the South Dakota-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 9, thence along Iowa Highway 9 to Esthersville, thence along Iowa Highway 4 to the Iowa-Minnesota State line; points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 20, thence along U.S. Highway 20 to Valentine, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; and points in Colorado on, north, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction Colorado Highway 13, thence along Colorado Highway 13 to the Colorado-Wyoming State line. (Plainfield, Ill., and Shakopee, Minn.) * (6) *Glass containers*, from Terre Haute, Indiana, to points in North Dakota; points in South Dakota (except points south of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 207 to Pine Ridge, thence along U.S. Highway 18 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Iowa State line); points in Iowa on and north of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to Inwood, thence along Iowa Highway 182 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 60, thence along Iowa Highway 60 to the Iowa-Minnesota State line; and points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line. (Plainfield, Ill., and Shakopee, Minn.) *

(7) *Glass containers*, from Evansville, Ind., to points in North Dakota; South Dakota (except points south of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 207 to Pine Ridge, thence along U.S. Highway 18 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Iowa State line); to points in Iowa on, north, and west of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 60, thence along Iowa Highway 60 to the Iowa-Minnesota State line; and points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line. (Plainfield, Ill., and Shakopee, Minn.) *

(8) *Glass containers, and caps* for glass containers, from Marion, Ind., to points in North Dakota (except points east and south of a line beginning at the North Dakota-South Dakota State line and extending along North Dakota Highway 18 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line), and South Dakota (except points south and east of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37,

thence along South Dakota Highway 37 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-North Dakota State line). (Plantsite of Foster-Forbes Glass Company at Burlington, Wis.; Plainfield, Ill., and Shakopee, Minn.)*

(9) *Glass containers and caps, covers, and stoppers* for glass containers, from Burlington, Wis., to points in North Dakota, South Dakota (except points south/a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Iowa State line), and Colorado, restricted to the Transportation of Traffic originating at Burlington, Wis. (Shakopee, Minn.)* (10) *Glass containers*, from Oil City, Pa., to points in North Dakota and South Dakota (except points south and east of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 18 to Hot Springs, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Minnesota State line). Plantsite of Foster-Forbes Glass Company at Burlington, Wis.; Plainfield, Ill., and Shakopee, Minn.)* (11) *Glass continers, and closures* for glass containers, from Terre Haute, Ind., to points in North Dakota and South Dakota (except points south and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 183 to junction U.S. Highway 18, thence along U.S. Highway 18 to Gregory, thence along South Dakota Highway 47 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Iowa State line). (Shakopee, Minn.)* (12) *Glass containers, and caps, covers, tops, and stoppers* for glass containers, from Shakopee, Minn., to points in Missouri on and east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line. (Plainfield, Ill.)*

(13) *Glass containers and caps* for glass containers, from Shakopee, Minn., to points in Missouri on, north and east of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 50 to junction Missouri Highway 47, thence along Missouri Highway 47 to the Missouri-Illinois State line, (Hillsboro, Ill.)* (14) *Glass containers*, from Shakopee, Minn., to Cape Girardeau, Missouri, and points in Indiana (except points in Lake, Porter, and La Porte Counties). (Streator, Ill.)* (15) *Glass containers and closures* for glass containers, from Shakopee, Minn., to points in Indiana, Ohio, and Kentucky (Burlington, Wis.)* (16) *Glass containers and closures* for glass containers which are utilized by food business houses (except in bulk), from Shakopee, Minn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Kentucky (except points west of U.S. Highway 45), Tennessee (except points west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 45E to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 240, thence along Interstate Highway 240 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Tennessee-Mississippi State line), Mississippi (except points west of a line beginning at the Mississippi-Tennessee State line and extending along Interstate Highway 55 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line), Louisiana (except points west of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico), and the District of Columbia. (The Plant and Warehouse facilities of Haskon, Bingham/Risdon Division at Ashwaubenon, Wis.)* (17) *Glass containers, and glass closures* for glass containers, from Shakopee, Minn., to points in Kentucky (Streator, Ill., and Terre Haute, Ind.)* *The purpose of this filing is to eliminate the gateway(s) idenfied in parentheses after each of the above proposals.

No. MC 83539 (Sub-No. E5), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, (2) *machinery, equipment, materials, and supplies* used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery*, and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in Nebraska in and east of Cherry, Grant, Arthur, Keith, Perkins, Chase and Dundy Counties, on the one hand, and, on the other, points in Oregon except points in Malheur County. The purpose of this filing is to eliminate the gateway of points in Colorado and Kansas.

No. MC 83539 (Sub-No. E22), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which because of their size or weight requires the use of special equipment, and parts thereof when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (A) between points in and east of Bracken, Harrison, Bourbon, Fayette, Woodford, Mercer, Boyle, Casey, Adair, and Cumberland Counties, Ky., on the one hand, and, on the other, points in and west of Macon, Smith, Wilson, Rutherford, Bedford, Marshall, and Giles Counties, Tenn.; (B) between points in and west of Livingston, Lyon and Trigg Counties, Ky., on the one hand, and, on the other, points in and east of Henry, Carroll, Henderson, Chester, and McNairy Counties, Tenn., and (c) between points in and west of Weakley, Gibson, Madison and Hardeman Counties, Tenn., on the one hand, and, on the other, points in and east of Crittenden, Caldwell, and Christian Counties, Ky.; (D) between points in and east of Scott, Fentress, Putnam, De Kalb, Cannon, Coffee, Moore, and Lincoln Counties, Tenn., on the one hand, and, on the other, points in and east of Bracken, Harrison, Bourbon, Fayette, Woodford, Mercer, Boyle, Casey, Adair, and Cumberland Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Tennessee within 50 miles of Nashville.

No. MC 83539 (Sub-No. E23), filed May 23, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between Worcester, Mass., and points within 25 miles of Worcester, and Boston, Mass., on the one hand, and, on the other, points in Florida and Georgia. The purpose of this filing is to eliminate

the gateways of Worcester, Mass., Philadelphia, Pa., Virginia and North Carolina.

No. MC 83539 (Sub-No. E26), filed May 21, 1974. Applicant: C & H TRANSPORTATION CO., INC., 210 West Commerce Street, Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and parts thereof when moving in connection with such commodities, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith,, restricted to commodities which are transported on trailers, (1) between points in Harper, Kingman, Sumner, Sedgwick, Harvey, Marion, Chase, Butler, Cowley, Chautauqua, Elk, Greenwood, Lyon, Osage, Coffey, Woodson, Wilson, Montgomery, Labette, Cherokee, Crawford, Neosho, Allen, Bourbon, Linn, Anderson, Franklin and Miami Counties, Kans., on the one hand, and, on the other, points in Colorado; (2) between points in Wyandotte, Johnson, Douglas, Leavenworth and Jefferson Counties, Kans., on the one hand, and, on the other, points in and west of Logan, Morgan, Adams, Arapahoe, Elbert, Lincoln, Cherokee, Kiowa, Prowers and Baca Counties, Colo.; (3) between points in Atchison, Jackson, Brown and Doniphan Counties, Kans., on the one hand, and, on the other, points in Colorado except those in Larimer, Weld, Logan, Sedgwick, Phillips, Yuma, Washington, Kit Carson, Morgan, Adams and Arapahoe Counties; (4) between points in Shawnee and Wabaunsee Counties, Kans., on the one hand, and, on the other, points in Colorado (except those in Logan, Sedgwick, Phillips, Washington, Yuma and Kit Carson Counties; (5) between points in McPherson and Reno Counties, Kans., on the one hand, and, on the other, points in Colorado except those located in Sedgwick, Phillips, Washington, Yuma, Lincoln, Kit Carson and Cheyenne Counties;

(6) between points in Haskell, Grant, Seward, Stevens and Morton Counties, Kans., on the one hand, and, on the other, points in Colorado in and west of Larimer, Boulder, Jefferson, Denver, Douglas, El Paso, Pueblo and Las Animas Counties; (7) between points in Geary, Morris, Dickinson, Clay, Riley and Pottawatomie Counties, Kans., on the one hand, and, on the other, points in, west, and south of Jackson, Grand, Clear Creek, Park, Fremont, Pueblo, Crowley, Powers and Baca Counties, Colo.; (8) between points in Pratt, Barber, Comache, Kiowa and Edwards Counties, Kans., on the one hand, and, on the other, points in Moffat, Rio Blanco, Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, Delores, San Juan, Montezuma, La Plata, Hinsdale, Mineral, Archuleta, Rio Grande, Conejos, Alamosa, Costilla and Las Animas Counties, Colo.; (9) between points in Washington, Republic, Cloud, Ottawa, Saline, Ellsworth, and Lincoln Counties, Kans., on the one hand, and, on the other, points in Montezuma, La Plata, Archuleta, Conejos, Alamosa, Costilla, Huerfano, Las Animas, Otero, Bent, Prowers and Baca Counties, Colo.; (10) between points in Russell, Rush, Barton, Rice, Stafford, and Pawnee Counties, Kans., on the one hand, and, on the other, points in Las Animas, Huerfano, Costilla, Alamosa, Conejos, Rio Grande, Mineral, Archuleta, Hinsdale, San Juan, La Plata, Montezuma, Delores, San Miguel, Ouray, Montrose, Delata and Mesa Counties, Colo.; (11) between points in Ford, Hodgeman, Gray, Meade and Clark Counties, Kans., on the one hand, and, on the other, points in La Plata, San Juan, Montezuma, Delores, Ouray, San Miguel, Montrose, Delta, Mesa, Garfield, Rio Blanco and Moffat Counties, Colo.; (12) between points in Greeley, Hamilton and Stanton Counties, Kans., on the one hand, and, on the other, points in Las Animas, Costilla, Conejos, Archuleta and La Plata Counties, Colo. The purpose of this filing is to eliminate the gateway of Wichita, Kans., or points in New Mexico.

No. MC 83539 (Sub-No. E43), filed June 4, 1974. Applicant: C. & H. TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Mr. Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 byproducts, (2) *machinery, equipment, materials and supplies* used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery*, and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in California in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., on the one hand, and, on the other, points in Colorado in and north of Moffat, Routt, Grand, Cedar Creek, Jefferson, Douglas, Elbert, Arapahoe, Washington, and Kit Carson Counties. The purpose of this filing is to eliminate the gateway of points in Wyoming.

No. MC 83539 (Sub-No. E57), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which, because of size or weight, require the use of special equipment, between points in and south of Beaver, Allegheny, Westmoreland, Indiana, Cambria, Blair, Huntingdon, Mifflin, Juniata, Parry, Dauphin, Lebanon, Lancaster, Chester, Delaware, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Connecticut on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E67), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER March 6, 1975. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related contractors' equipment, materials and supplies* when their transportation is incidental to the transportation of commodities which because of size or weight, require the use of special equipment, and (2) *Self-propelled articles*, and weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in Idaho, on the one hand, and, on the other, points in that part of Nebraska on and east of U.S. Highway 61 (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; and (3) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment or handling (except machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), and *parts* thereof; and

(4) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and related machinery, tools, parts, and supplies moving in connection therewith; between points in that part of Idaho north and west of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 191 to its junction with U.S. Highway 30N, thence along U.S. Highway 30N to the Caribou-Bannock County line, thence along the Caribou-Bannock County line to the Idaho-Wyoming State line, on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to its junction with the H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line

(points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)* Restriction: The carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights of way other than in the transportation, stringing or picking up of pipe (i) in connection with river crossing or pipe lines and (ii) in connection with the operation, repair, and maintenance of pipelines. The purpose of this filing is to eliminate the gateways indicated by asterisks. The operations authorized in (2) and (4) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway indicated by asterisks above. The purpose of this correction is to republish the entire letter-notice.

No. MC 83539 (Sub-No. E79), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Colorado east of Interstate Highway 25 to points in Nevada in and west of points in Washoe, Churchill, Mineral, and Esmeralda Counties. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E82), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (A) between points in Arizona, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming (except points in Lincoln and Uinta Counties, Wyo.) (Points in Colorado)*; (B) from points in Idaho to points in Oklahoma (except points in Cimmaron, Texas, and Beaver Counties, Okla.) (the facilities of CF&I Steel Corp., at Pueblo, Colorado)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 83539 (Sub-No. E87), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* articles, as described in Appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Colorado (except those in Logan, Sedgwick, Phillips, Washington, Yuma, Lincoln, and Kit Carson Counties), to points in Kansas (except those in and west of Nemaha, Pottawatomie, Wabaunsee, Lyon, Greenwood, Elk, and Chatauqua Counties). The purpose of this filing is to eliminate the gateway of the facilities of CF & I Steel Corporation at Pueblo, Colo.

No. MC 83539 (Sub-No. E88), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (A) between points in Arizona, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota and Wyoming (except Lincoln and Uinta Counties, Wyo.) (points in Colorado)*, and (B) from points in Colorado (except those in Las Animas, Otero, Vent, Powers and Baca Counties) to points in Oklahoma south of Interstate Highway 40 (the facilities of CF&I Steel Corporation at or near Pueblo, Colo.)* The purpose of this filing is to eliminate the gateway indicated by the asterisks above.

No. MC 102567 (Sub-No. E18), (Correction), filed June 3, 1974, republished in the FEDERAL REGISTER September 10, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products* as are liquid chemicals (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Indiana west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 41, . . . The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this partial correction is to correct the highway description. The remainder of this letter-notice remains as previously published.

No. MC 104149 (Sub-No. E1), filed May 15, 1974. Applicant: OSBORNE TRUCK LINE, INC., 518 North 31st, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* (except commodities in bulk), between Sheffield, Ala., on the one hand, and, on the other, points in Illinois, on and north of a line commencing at the Illinois-Wisconsin State line and extending along U.S. Highway 14 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 59, thence along Illinois Highway 59 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line; points in Indiana, on and north of a line commencing at the Illinois-Indiana State line, and extending along U.S. Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S Highway 31 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction US. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 1, thence along Indiana Highway 1 to the Indiana-Kentucky State line; and points in Ohio. (*Plantsite of Revere Copper & Brass, Inc., located approximately 6 miles south of Scottsboro, Ala.).

(2) *Iron and Steel products* (except commodities in bulk), in minimum shipments of 10,000 pounds, between Birmingham, Ala., on the one hand, and, on the other, points in Kentucky, on and east of a line commencing at the Indiana-Kentucky State line and extending along U.S. Highway 45 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S Highway 68, thence along US. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 453, thence along Kentucky Highway 453 to the Kentucky-Tennessee State line. (*Plantsite of Revere Copper & Brass, Inc., located approximately 6 miles south of Scottsboro, Ala.). (3) *Aluminum and Aluminum products*, the transportation of which, because of size or weight, requires the use of special equipment (except commodities in bulk): (a) between points in Florida, on the one hand, and, on the other, points in Ohio, on and west of a line commencing at the Ohio-Kentucky State line and extending along U.S. Highway 62 to junction Interstate Highway 71, thence along Interstate Highway 71 to Lake Erie; (*Montgomery, Ala., and points within 10 miles thereof; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.). (b) between points in Florida, on the one hand, and, on the other, points in Indiana and Illinois; (*Montgomery,

Ala.; and the Plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.). (c) between points in Florida, on, south and west of a line commencing at the Florida-Georgia State line and extending along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 528, thence along Florida Highway 528 to the Atlantic Ocean, on the one hand, and, on the other, points in Ohio, on, north and west of a line commencing at the Ohio-Kentucky State line and extending along Ohio Highway 139 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 62 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Ohio-Pennsylvania State line. (*Montgomery, Ala.; and the Plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.).

(d) between points in Georgia on and south of a line commencing at the Alabama-Georgia State line and extending along Georgia Highway 6 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 80, thence along Georgia Highway 80 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Illinois on and north of a line commencing at the Illinois-Missouri State line and extending along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line. (*Decatur, Ala.; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.).

(e) between points in Georgia, on and south of a line commencing at the Alabama-Georgia State line, and extending along Georgia Highway 109 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 74, thence along Georgia Highway 74 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 50, thence along Georgia Highway 50 to the Atlantic Ocean, on the one hand, and, on the other, points in Illinois. (*Decatur, Ala.; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.).

(f) between points in Georgia on and south of a line commencing at the Georgia-Alabama State line and extending along Georgia Highway 6 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 80, thence along Georgia Highway 80 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Indiana on, north and west of a line commencing at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Indiana-Michigan State line. (*Decatur, Ala.; and the plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.).

(g) between points in Georgia, on and south of a line commencing at the Alabama-Georgia State line and extending along Georgia Highway 109 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 74, thence along Georgia Highway 74 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 341, thence along Georgia Highway 341 to junction Georgia Highway 50, thence along Georgia Highway 50 to the Atlantic Ocean, on the one hand, and, on the other, points in Indiana, on and west of a line commencing at the Kentucky-Indiana State line and extending along U.S. Highway 421 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.).

(h) between points in Georgia, on and south of a line commencing at the Georgia-Florida State line and extending along U.S. Highway 23 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 74, thence along Georgia Highway 74 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 109, thence along Georgia Highway 109 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Ohio, on, north and west of a line commencing at the Ohio-Indiana State line and extending along Ohio Highway 121 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 10, thence along Ohio Highway 10 to junction with U.S. Highway 42, thence along U.S. Highway 42 to Lake Erie. (*Birmingham or Montgomery, Ala.; and the plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.).

(i) between points in Mississippi, on and south of a line commencing at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 25, thence along Mississippi Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Illinois-Indiana State line and extending along U.S. Highway 41 to junction Illinois Highway 22, thence along Illinois Highway 22 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line. (*Birmingham or Decatur, Ala.; and the plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.).

(j) Between points in Mississippi, on and south of a line commencing at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction along U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Interstate Highway 20, thence along Interstate Highway 20, to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 25, thence along Mississippi Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Indiana, on north and east of a line commencing at the Illinois-Indiana State line and extending along U.S. Highway 41 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. (*Birmingham or Decatur, Ala.; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.). (k) between points in Mississippi, on the one hand, and, on the other, points in Ohio. (*Decatur or Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala.).

(4) *Aluminum and aluminum products* (except commodities in bulk): (a) between points in Alabama on and south of U.S. Highway 72, on the one hand, and, on the other, points in Illinois, on and north of a line commencing at the Illinois-Wisconsin State line and extending along U.S. Highway 14 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 59, thence along Illinois Highway 59 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line. (*Plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.). (b) between points in Alabama on and south of U.S. Highway 11, on the one hand, and, on the other, points in Illinois on and north of a line commencing at the Missouri-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 161, thence along Illinois Highway 161 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Illinois Highway 142, thence along Illinois Highway 142 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Kentucky State line. (*Plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.). (c) between points in Alabama on and south of U.S. Highway 72, on the one hand, and, on the other, points in Indiana on and north of a line commencing at the Illino's-Indiana State line, and extending along U.S. Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 1, thence along Indiana Highway 1 to the Indiana-Kentucky State line. (*Plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.).

(d) between points in Alabama on and south of U.S. Highway 11, on the one hand, and, on the other, points in Indiana. (*Plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.). (e) between points in Alabama on and south of U.S. Highway 72, on the one hand, and, on the other, points in Ohio. (*Plantsite of Revere Copper & Brass, Inc. at or near Scottsboro, Ala.). (5) *Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), the transportation of which, because of size or weight, requires the use of special equipment, between the plantsite of Revere Copper & Brass, Inc., located approximately 6 miles south of Scottsboro, Ala., on the one hand, and, on the other, New Orleans, La., (except those points in the New Orleans, La., Commercial Zone located on and west of the Mississippi River). (*Birmingham or Decatur, Ala.) (6) *Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and Commodities in bulk), the transportation of which, because of size or weight, requires the use of special equipment, between the plantsite of Revere Copper & Brass, Inc., located approximately 6 miles south of Scottsboro, Ala., on the one hand, and, on the other, points in Mississippi. (*Birmingham or Decatur, Ala.). (7) *Iron and Steel articles*, the transportation of which, because of size or weight, requires the use of special equipment, and *contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment (except cement and commodities in bulk), between points in Louisiana east of the Mississippi River, on the one hand, and, on the other, points in North Carolina and South Carolina. (*Montgomery and Birmingham, Ala.).

(8) *Fibre pipe and fibre pipe fittings*, which are contractors' equipment, materials or supplies, and *iron and steel articles* (except cement and commodities in bulk), from points in South Carolina, and points in North Carolina, on and east of a line commencing at the Georgia-North Carolina State line and extending along North Carolina Highway 106 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 215, thence along North Carolina Highway 215 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, to points in Arkansas and Oklahoma, restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. (*Birmingham or Montgomery, Ala.).

(9) *Iron and steel articles* (except commodities in bulk), in minimum shipments of 10,000 pounds: (a) between points in Oklahoma, on the one hand, and, on the other, points in North Carolina and South Carolina. (*Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.; and Birmingham, Ala.). (b) between points in Arkansas, on and west of a line commencing at the Arkansas-Louisiana State line and extending along Arkansas Highway 29 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in South Carolina, on and east of a line commencing at the Georgia-South Carolina State line and extending along U.S. Highway 378 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 85, thence along Interstate Highway 85 to the South Carolina-North Carolina State line. (*Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.; and Birmingham, Ala.). (c) between points in Arkansas, on and west of a line commencing at the Arkansas-Louisiana State line and extending along Arkansas Highway 29 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in North Carolina, on and east of a line commencing at the North Carolina-South Carolina State line and extending along Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to the North Carolina-Virginia State line. (*Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.; and Birmingham, Ala.).

(10) *Iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment, and *Fibre pipe and Fibre pipe fittings* which are contractors' materials and supplies when their transportation is incidental to the transportation of commodities which, because of size or weight, require the use of special equipment: (a) from points in Alabama, on and east of a line commecing at the Alabama-Florida State line and extending along Alabama Highway 41 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Alabama Highway 195, thence over Alabama Highway 195 to junction Alabama County Highway 41, thence along Alabama County Highway 41 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction with U.S. Highway 31, thence along U.S. Highway 31 to the Alabama-Tennessee State line, to points in Oklahoma on and west of a line commencing at the Oklahoma-Texas State line and extending along U.S. Highway 271 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line, restricted against the transportation of commodities used in or in

connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products. (*Montgomery or Birmingham, Ala.)

(b) From points in Alabama, on and east of a line commencing at the Alabama-Florida State line and extending along Alabama Highway 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama County Highway 59, thence along Alabama County Highway 59 to junction Alabama County Highway 16, thence along Alabama County Highway 16 to junction Highway 89, thence along Alabama Highway 89 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 150, thence along Alabama Highway 150 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 72, thence along U.S. Highway 72, to the Alabama-Tennessee State line, to points in Oklahoma, restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products. (*Montgomery or Birmingham, Ala.).

(c) From points in Alabama, on and east of a line commencing at the Alabama-Florida State line and extending along Alabama Highway 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama County Highway 59, thence along Alabama County Highway 59 to junction Alabama County Highway 16, thence along Alabama County Highway 16 to junction Alabama Highway 89, thence along Alabama Highway 89 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 150, thence along Alabama Highway 150 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line, to points in Arkansas on and west of a line commencing at the Arkansas-Louisiana State line and extending along U.S. Highway 79 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 15 to junction Arkansas Highway 31, thence along Arkansas Highway 31 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 115, thence along Arkansas Highway 115 to the Arkansas-Missouri State line, restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts. (*Montgomery or Birmingham, Ala.)

(11) *Iron and steel articles, and contractors' equipment, materials, and supplies*, the transportation of which, because of size or weight, requires the use of special equipment, and *contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which, because of size or weight, require the use of special equipment (except cement and commodities in bulk), betweeen points in North Carolina and South Carolina, on the one hand, and, on the other, points in Mississippi. (*Montgomery or Birmingham, Ala.) (12) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between the plant site of Revere Copper & Brass, Inc., located approximately six miles south of Scottsboro, Ala., on the one hand, and, on the other, points, in Mississippi. (*Birmingham, Decatur, or Montgomery, Ala.) (13) *Iron and steel products* (except commodities in bulk), in minimum shipments of 10,000 pounds, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Kentucky, on and east of a line commencing at the Indiana-Kentucky State line, and extending along U.S. Highway 45 to junction Kentucky Highway 80, thence along Highway 60 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 453, thence along Kentucky Highway 453 to the Kentucky-Tennessee State line. (*Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.)

(14) *Iron and steel products* (except in bulk), the transportation of which, because of size or weight, requires the use of special equipment, in minimum shipments of 10,000 pounds: (a) between points in Florida, on, south, and west of a line commencing at the Georgia-Florida State line and extending along Florida Highway 121 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Atlantic Ocean, on the one hand, and, on the other, points in Kentucky, on and west of a line commencing at the Kentucky-Ohio State line and extending along U.S. Highway 68 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.) (b) between points in Georgia, on and south of a line commencing at the Alabama-Georgia State line and extending along Georgia Highway 109 to Georgia Highway 41, thence along Georgia Highway 41 to junction Georgia Highway 90, thence along Georgia Highway 90 to junction Georgia Highway 32, thence along Georgia Highway 32 to junction Georgia Highway 99, thence along Georgia Highway 99 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 50, thence along Georgia Highway 50 to the Atlantic Ocean, on the one hand, and, on the other, points in Kentucky, on, north, and west of a line commencing at the Kentucky-Indiana State line, and extending along Interstate Highway 65 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway Alternate 41, thence along U.S. Alternate Highway 41 to the Kentucky-Tennessee State line. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.)

(c) Between points in Mississippi, on and south of a line commencing at the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 489, thence along Mississippi Highway 489 to junction Mississippi Highway 492, thence along Mississippi Highway 492 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Kentucky, on and east of U.S. Highway 231. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.) (d) between points in Louisiana on, south, and east of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 51 to junction Mississippi Highway 10, thence along Mississippi Highway 10 to junction Mississippi Highway 37, thence along Mississippi Highway 37 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi River, thence along the eastern shore of the Mississippi River to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 41. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.) (15) *Iron and steel articles*, and *pipe* which is contractors' equipment, materials, or supplies (except in bulk): (a) from points in North Carolina and South Carolina, located on, north, and west of U.S. Highway 29, to points in Florida on and west of the Appalachicola River. (*Montgomery or Birmingham, Ala.) (b) from points in North Carolina and South Carolina, to points in Florida on and west of Florida Highway 85. (*Montgomery or Birmingham, Ala.)

The purpose of this filing is to eliminate the gateways indicated by asterisks.

No. MC 107162 (Sub-No. E1), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from points in that part of the Upper Peninsula of Michigan, on and west of U.S. Highway 41 to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from points in that part of the Upper Peninsula of Michigan east of U.S. Highway 41 and on and west of a line commencing at Lake Michigan, thence along Michigan Highway 94 to the intersection with Michigan Highway 28, thence along Michigan Highway 28 to Lake Superior, to points in Texas, North Carolina, Vermont, Florida, Georgia, Mississippi, Alabama, Delaware, South Carolina, Arkansas, New Hampshire, Louisiana, Massachusetts, Maine, Oklahoma, points in that part of West Virginia on and south of U.S. Highway 60, and points in that part of Virginia on and south of U.S. Highway 60.

(3) From points in that part of the Upper Peninsula of Michigan east of the line commencing at Lake Michigan, thence along Michigan Highway 94 to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to Lake Superior on and west of a line commencing on Lake Michigan, thence along the eastern border of Schoolcraft County, to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to its first intersection with Michigan Highway 123, thence along Michigan Highway 123 to Whitefish Bay, at Paradise, Mich., to points in Texas, North Carolina, Georgia, Florida, Mississippi, Alabama, South Carolina, Arkansas, Louisiana, and Oklahoma; (4) from points in that part of the Upper Peninsula of Michigan east of a line commencing at Lake Michigan, thence along the eastern border of Schoolcraft County, to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to its first intersection with Michigan Highway 123, thence along Michigan Highway 123 to Whitefish Bay at Paradise, Michigan; to points in Texas, Mississippi, Arkansas, Florida, Louisiana, Oklahoma, to points in that part of Alabama on and west of a line commencing at the Alabama-Mississippi border, thence along U.S. Highway 78 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia border; and points in that part of Georgia on and south of a line commencing at the Alabama-Georgia border, thence along U.S. Highway 82 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., at or near White Lake, Wis.

No. MC 107162 (Sub-No. E3), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except flooring, plywood, and paneling): (1) from points in that part of Illinois south of U.S. Highway 24 (except points within Adams and Pike Counties, Ill.) and north of the southern boundaries of Randolph, Perry, Franklin, Hamilton, and White Counties, Ill., to points in Minnesota; (2) from points in that part of Adams County, Ill., south of U.S. Highway 24; and points in Pike County, Ill., to points in Minnesota (except points within Nobles, Jackson, Cottonwood, Watonwan, Martin, Faribault, and Freeborn Counties, Minn.). The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 107162 (Sub-No. E5), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber:* (1) from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, to points in that part of the Upper Peninsula of Michigan, on and west of U.S. Highway 41; (2) from points in Texas; North Carolina; Vermont; Florida; Georgia; Mississippi; Alabama; Delaware; South Carolina; Arkansas; New Hampshire; Louisiana; Massachusetts; Maine; Oklahoma; points in that part of West Virginia on or south of U.S. Highway 60; and points in that part of Virginia on or south of U.S. Highway 60; to points in that part of the Upper Peninsula of Michigan east of U.S. Highway 41 and on and west of the line commencing at the Lake Michigan, thence along Michigan Highway 94 to the intersection with Michigan Highway 28, thence along Michigan Highway 28 to the Lake Superior.

(3) From points in Texas, North Carolina, Georgia, Florida, Mississippi, Alabama, South Carolina, Arkansas, Louisiana, and Oklahoma, to points in that part of the Upper Peninsula of Michigan east of a line commencing in Lake Michigan, thence along Michigan Highway 94 to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to Lake Superior and on and west of a line commencing at Lake Michigan on the eastern border of Schoolcraft County, thence along said border to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to its first intersection with Michigan Highway 123, thence along Michigan Highway 123 to Whitefish Bay, at Paradise, Michigan. (4) from points in Texas; Mississippi; Arkansas; Florida; Louisiana; Oklahoma; points in that part of Alabama on and west of a line commencing at the Alabama-Mississippi State line, thence along U.S. Highway 78 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia State line; and points in that part of Georgia on and south of a line commencing at the Alabama-Georgia State line, thence along U.S. Highway 82 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean, to points in that part of Upper Peninsula of Michigan east of a line commencing at Lake Michigan, thence along the eastern border of Schoolcraft County to its intersection with Michigan Highway 28, thence along Michigan Highway 28 to its first intersection with Michigan Highway 123, thence along Michigan Highway 123 to Whitefish Bay at Paradise, Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., Inc., at White Lake, Wis.

No. MC 107162 (Sub-No. E6), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Maine; Vermont; New Hampshire; New Jersey; Massachusetts; Rhode Island; Connecticut; New York; Maryland; Pennsylvania; Delaware; Washington, D.C.; Virginia; West Virginia; North Carolina; South Carolina; Georgia; Florida; and Alabama; to points in that part of Minnesota on and north of Minnesota Highway 12; (2) from points in Mississippi, to points in that part of Minnesota on and north of a line commencing at the Minnesota-Wisconsin State line, thence along Minnesota Highway 95 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 94, thence along Interstate Highway 94 to its intersection with Minnesota Highway 27, thence along Minnesota Highway 27 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., at or near White Lake, Wis.

No. MC 107162 (Sub-No. E7), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rcute 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box

2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber:* (1) from points in the Upper Peninsula of Michigan to points in Illinois and Minnesota; (2) from points in that part of the Upper Peninsula of Michigan on and west of a line commencing at Rapid River, thence along U.S. Highway 41 to intersection with the eastern boundary of Marquette County, thence along said boundary to Lake Superior; to points in Indiana and Ohio; (3) from points in that part of the Upper Peninsula of Michigan east of a line commencing at Rapid River, thence along U.S. Highway 41 to intersection with the eastern boundary Marquette County, thence along said boundary to Lake Superior and on and west of a line commencing at Lake Michigan on the western boundary of Schoolcraft County, thence along said boundary to its intersection with Michigan Highway 94, thence along Michigan Highway 94 to Lake Superior; to points in Indiana and Ohio (except points in Fulton, Lucas, Wood, Ottawa, Sandusky, Seneca, Huron, Erie, Lorain, Medina, and Cuyahoga Counties, Ohio); (4) from points in that part of the Upper Peninsula of Michigan east of a line commencing at Lake Michigan on the western boundary of Schoolcraft County, thence along said boundary to its intersection with Michigan Highway 94, thence along Michigan Highway 94, to Lake Superior; and west of the western boundary of Mackinac and Luce Counties; to points in Indiana (except the counties of Jay, Adams, Wells, Blackford, Randolph, Huntington, Lagrange, Steuben, Noble, Dekalb, Whiteley, Allen, that portion of Kascinko County east of Indiana Highway 15 and north of U.S. Highway 30, and that portion of Elkhart County, east of Indiana Highway 15), and points in Ohio on and south of a line commencing at the Ohio-Indana State line, thence along Interstate Highway 70 to its intersection with U.S. Highway 35, thence along U.S. Highway 35 to its intersection with Ohio Highway 122, thence on Ohio Highway 122 to Middletown, thence on Ohio Highway 73 to U.S. Highway 52, thence on U.S. Highway 52 to the Ohio-Kentucky State line.

(5) From Luce, Chippewa, and Mackinac Counties, Mich., to points in that part of Indiana, on and west of a line commencing at Lake Michigan, thence along Interstate Highway 65 to its second intersection with U.S. Highway 231, thence along U.S. Highway 231 to its intersection with Indiana Highway 46, thence along Indiana Highway 46 to its intersection with Indiana Highway 37, thence on Indiana Highway 37 to its intersection with U.S. Highway 150, thence on U.S. Highway 150 to its intersection with Indiana Highway 135 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 107162 (Sub-No. E8), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tanspoting: *Lumber*, (1) from points in that part of Minnesota on or north of Minnesota Highway 12, to points in Maine; Vermont; New Hampshire; Maryland; New Jersey; Massachusetts; Rhode Island; Connecticut; the District of Columbia; New York; Pennsylvania; Delaware; Virginia; West Virginia; North Carolina; South Carolina; Georgia; Florida; and Alabama; (2) from points in that part of Minnesota on and north of a line commencing on the Minnesota-Wisconsin border, thence along Minnesota Highway 95 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 94, thence along Interstate Highway 94 to its intersection with Minnesota Highway 27, thence along Minnesota Highway 27 to the Minnesota-South Dakota border; to points in Mississippi. Restriction: The authority is restricted against the transportation of shipments originating at points in Canada. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., at or near White Lake, Wis.

No. MC 108207 (Sub-No. E10), (Correction), filed May 12, 1974, published in FEDERAL REGISTER January 16, 1975. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Arizona, New Mexico, and California. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to reflect the correct commodity.

No. MC 109236 (Sub-No E1), filed June 4, 1974. Applicant: SALT LAKE TRANSFER COMPANY, 5231 Monroe Street, Denver, Colorado 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except household goods and commodities which because of size or weight require the use of special equipment): (1) between Pocatello, Blackfoot, Idaho Falls, and Boise, Idaho, on the one hand, and, on the other, points in Utah located within an area bounded and described as follows: beginning at a point on the Tooele-Box Elder County line and extending south along an unnumbered Highway through Low, Utah, to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Utah Highway 199 near Timpie, Utah, thence along Utah Highway 199 to junction Utah Highway 36, thence along Utah Highway 36 to junction U.S. Highway 6 (U.S. Highway 50), thence along U.S. Highway 6 to junction US. Highway 89 (U.S. Highway 91, thence along U.S. Highway 89 to junction unnumbered highway north of Mapleton, Utah, thence easterly along said unnumbered highway to junction unnumbered highway at or near the Strawberry Reservoir, thence north along said unnumbered highway to junction Utah Highway 35, thence over Utah Highway 35 to junction Wasatch-Summit County line, thence along Wasatch-Summit County line to junction Utah Highway 150, thence along Utah Highway 150 to the Utah-Wyoming State line, thence along the Utah-Wyoming State line to junction Summit-Rich County line, thence along the Summit-Rich County line to the Summit-Morgan County line, thence along the Summit-Morgan County line to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15, thence along Interstate Highway 15 to the Davis-Weber County line, thence along the Davis-Weber County line to junction Box Elder-Tooele County line, thence along the Box Elder-Tooele County line to the point of beginning including points in on the designated portions of the above highways and county lines. Restriction: the above authority, to the extent it authorizes the transportation of explosives, shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

(2) Between Boise, Idaho, on the one hand, and, on the other, Ogden, Utah; points in Utah located on a portion of Interstate Highway 15 beginning at Ogden and extending along Interstate Highway 15 to the Davis-Weber County line; and points in Utah located on a portion of U.S. Highway 89 (U.S. Highway 91) beginning at Ogden and extending along U.S. Highway 89 to the Davis-Weber County line. Restriction: The above authority, to the extent it authorizes the transportation of explosives, shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 109236 (Sub-No. E2), filed June 4, 1974. Applicant: SALT LAKE TRANSFER COMPANY, 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, (1) between points in Idaho, on the one hand, and, on the other, points in New Mexico. Restriction: The above authority shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of points in Utah. (2) between

points in Wyoming on and west of a line commencing at the Montana-Wyoming State line and extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, on the one hand, and, on the other, points in New Mexico on and west of a line commencing at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line. Restriction: The above authority shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate.

(3) Between points in Montana on and west of a line commencing at the U.S.-Canada International Boundary line and extending along the Hill-Blaine County line to junction Chouteau-Blaine County line, thence along the Chouteau-Blaine County line to junction Chouteau-Fergus County line, thence along the Chouteau-Fergus County line to junction Fergus-Judith Basin County line to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.C. Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction the Montana-Wyoming State line, on the one hand, and, on the other, points in New Mexico. Restriction: The above authority shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of points in Utah. (4) between points in Nevada (except Clark, Esmeralda, Lincoln, Mineral, and Nye Counties) on the one hand, and, on the other, points in New Mexico. Restriction: The above authority shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of points in Utah. (5) between points in Clark and Lincoln Counties, Nevada, on the one hand, and, on the other, points in New Mexico on and east of a line commencing at the Colorado-New Mexico State line and extending along U.S. Highway 666 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line. Restriction: The above authority shall be limited in point of time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of points in Utah.

(6) Between points in Arizona on and west of a line commencing at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in San Juan, Rio Arriba, Taos, Colfax, and Union Counties, N. Mex. Restriction: The above authority shall be limited in point in time to a period expiring concurrently with the authority held in carrier's underlying certificate. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 113855 (Sub-No. E23), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction equipment*, from points in Minnesota on and north of U.S. Highway 2 and on and west of U.S. Highway 71, to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Beresford, Sioux Falls, Dell Rapids, or Hawarden, S. Dak.

No. MC 113855 (Sub-No. E34), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* when moving in connection therewith (restricted to commodities transported on trailers), (A)(1) between points in Cheyenne County, Kans., on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 421 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-Virginia State line; (2) between points in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 281 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, then along U.S. Highway 183 to the Kansas-Oklahoma State line, on the one hand, and, on the other points in Indiana on and north of U.S. Highway 30;

(3) between points in Kansas on, west and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line, on the one hand, and, on the other, points in West Virginia; (4) between points in Kansas on, west and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 54, thence along U.S Highway 54 to the Kansas-Oklahoma State line (except points described in (3) above), on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 33 and on and west of U.S. Highway 250. (B)(1) between points in Kansas on and west of U.S. Highway 77, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island and New Jersey; (2) between points in Kansas east of U.S. Highway 77 and on and north of U.S. Highway 24, on the one hand, and, on the other, points in Massachusetts on and east of Interstate Highway 93; (3) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Delaware; (4) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in New York in, east and south of Cayuga, Tompkins, and Tioga Counties;

(5) between points in Kansas on and west of U.S. Highway 81, on the one hand, and, on the other, points in New York on and south of Interstate Highway 84. The purpose of this filing is to eliminate the gateways of South Dakota, Davenport, Iowa, and Elgin, Ill., in (A) above; and South Dakota and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line extending along unnumbered highway to junction Business U.S. Highway 15 near Fairplay, thence to junction U.S. Highway 15, thence along unnumbered highway through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsyl-

vania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., in (B) above.

No. MC 113855 (Sub-No. E40), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements*, and *parts and attachments*, for agricultural machinery and agricultural implements, when moving with said commodities (except commodities which because of size or weight require the use of special equipment), from the plant and warehouse sites of the Hesston Corporation in Adams County, Colo., to points in Washington, Oregon, and points in California, in, west and north of Santa Barabara, San Luis Obispo, Monterey, Kings, Tulare, Fresno, Madera, Mariposa, Tuolumne and Alpine Counties, restricted to traffic originating at the named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Meridan or Filer, Idaho.

No. MC 113855 (Sub-No. E90), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER November 5, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Aplicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities* which, because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (II) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), . . . (C) between points in Colorado on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 6, to the Colorado-Utah State line, on the one hand, and, on the other, points in Indiana south of Interstate Highway 74 and on, north and east of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to junction Indiana Highway 46, to junction Interstate Highway 65, to the Indiana-Kentucky State line; and points in Kentucky on and east of Kentucky Highway 61. (South Dakota, Davenport, Iowa, and Elgin, Ill.) * The purpose of this filing is to eliminate the gateways indicated by asterisk above. The purpose of this correction is to reflect Part (C) not included in publication of November 5, 1975. The remainder of this letter-notice is to remain as previously published.

No. MC 113855 (Sub-No. E118), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER November 26, 1975. Applicant: INTERNATIONAL TRANSPORTATION, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, and sign accessories*, which, because of size or weight, require the use of special equipment . . . (5) from points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, points in Illinois on and north of Illinois Highway 9, points in Indiana on and north of Indiana Highway 26, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct typographical errors. The remainder of the letter-notice is to remain as previously published.

No. MC 113855 (Sub-No. E119), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER November 26, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural machinery and implements, tractors, attachments and parts* which, because of their size or weight require the use of special equipment, and *related machinery parts*, when their transportation is incidental to the transportation by the above-described commodities, and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, and *related parts*, moving in connection therewith, restricted to commodities transported on trailers . . . (A) (iii) from points in Montana west of a line beginning at the U.S.-Canada International Boundary line and extending along Montana Highway 242 to junction U.S. Highway 191, to the Montana-Wyoming State line to points in Kansas on and east of U.S. Highway 281; (points in South Dakota east of the Missouri River, and Gwinner, N.D.) * . . . (B) (ii) from points in Wyoming on and north of U.S. Highway 16, to points in Michigan, Ohio and Florida; . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to reflect the correct destination point in (A) (iii) and (B) (ii) above. The remainder of the letter notice is to remain as previously published.

No. MC 113855 (Sub-No. E139), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER October 30, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Heavy machinery* and other *contractors' materials, supplies, and equipment*, which because of size or weight require the use of special equipment, and (II) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith (restricted to commodities transported on trailers); . . . (E) (1) between points in Scott, Muscatine, Johnson, Louisa, and Washington counties, Iowa, and those points in Linn, Cedar, and Clinton Counties, Iowa, which are south of U.S. Highway 30, on the one hand, and, on the other, points in Nebraska on and north of U.S. Highway 6 and on and west of U.S. Highway 77. (2) between points in Iowa on, east and south of a line beginning at the Iowa-Missouri State line and extending along Iowa Highway 5 to junction Iowa Highway 141, to junction U.S. Highway 20, to junction U.S. Highway 218, to junction U.S. Highway 30, to the Benton-Linn County line; to the Johnson-Iowa county line, to the Washington-Keokuk county line, to the Washington-Jefferson county line, to the Washington-Henry county line, to the Louisa-Henry county line, to the Louisa-Des Moines county line to the Iowa-Illinois State line, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Nebraska-Iowa State lie and extending along Nebraska Highway 35 to junction U.S. Highway 81, to junction Nebraska Highway 22, to junction Nebraska Highway 70, to junction U.S. Highway 83, to junction Interstate Highway 80, to the Nebraska-Colorado State line. (South Dakota) * The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to reflect (E) (1) above which was inadvertently omitted on the 10/30/75 publication. The remainder of the letter-notice remains as previously published.

No. MC 114019 (Sub-No. E430), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, Commodities in bulk, and commodities requiring special equipment, (1) between points in

that part of West Virginia within two miles of the Ohio River, northerly from Sistersville, W. Va., and extending to the West Virginia-Ohio-Pennsylvania State lines, and points in that part of Pennsylvania, on, south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 76 to its junction with U.S. Highway 119, to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 115 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line. (2) between points in that part of Pennsylvania, on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 76 to its junction with U.S. Highway 22, to its junction with Pennsylvania Highway 981, to its junction with U.S. Highway 30, to its junction with U.S. Highway 219, to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Lake Ontario and extending along New York Highway 98 to its junction with New York Highway 39, to Lake Erie.

(3) between points in that part of Pennsylvania, on, south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 76 to its junction with Pennsylvania Highway 28, to its junction with Pennsylvania Highway 66, thence to its junction with U.S. Highway 30, to its junction with U.S. Highway 219, to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Lake Ontario and extending along New York Highway 78 to its junction with New York Highway 240, to its junction with New York Highway 39, to its junction with U.S. Highway 62, to its junction at the New York-Pennsylvania State line. (4) from points in that part of New York bounded by a line beginning at Lake Ontario, thence along New York Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to Geneva, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to Lake Ontario, to points in that part of Ohio, on and south of a line beginning at the Ohio-Pennsylvania-West Virginia State line and extending along Ohio Highway 39 to its junction with Interstate Highway 77 to its junction with U.S. Highway 36, to its junction with Ohio Highway 16, to its junction with Ohio Highway 317, to its junction with U.S. Highway 270, to its junction with Interstate Highway 70, to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio within 2 miles of the Ohio River northerly from Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State lines.

No. MC 114019 (Sub-No. E431), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, livestock, Commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between points in that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along West Virginia Highway 69 to its junction with U.S. Highway 250, to its junction with U.S. Highway 19, to its junction with West Virginia Highway 16, to the West Virginia-Virginia State line, points in that part of Pennsylvania on and west of a line beginning at Lake Erie and extending along Pennsylvania Highway 89 to its junction with Pennsylvania Highway 417, to its junction with Pennsylvania Highway 8, to its junction with Pennsylvania Highway 257, to its junction with U.S. Highway 322, to its junction with Pennsylvania Highway 38, to its junction with Pennsylvania Highway 208, to its junction with Pennsylvania Highway 478, to its junction with Pennsylvania Highway 58, to its junction with Pennsylvania Highway 268, to its junction with Pennsylvania Highway 66, to its junction with Pennsylvania Highway 819, to its junction with U.S. Highway 119, to the Pennsylvania-West Virginia State line, and points in that part of New York on and west of a line beginning at Lake Erie and extending along New York Highway 17 to its junction with New York Highway 17J, thence along New York Highway 17J to its junction with unnumbered New York Highway to the New York-Pennsylvania State line, on the one hand, and, on the other, Philadelphia, Pa., and points within 30 miles thereof; (points in Ohio within 2 miles of the Ohio River northerly from Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State line)*;

(2) between points in West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along West Virginia Highway 69 to its junction with U.S. Highway 250, to its junction with U.S. Highway 19, to the West Virginia-Virginia State line, points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 277 to its junction with Pennsylvania Highway 89, to its junction with Pennsylvania Highway 36, to its junction with Pennsylvania Highway 203, to its junction with Pennsylvania Highway 854, to its junction with Pennsylvania Highway 68, to its junction with Pennsylvania 268, to its junction with Pennsylvania Highway 66, to its junction with Pennsylvania Highway 380, to its junction with Pennsylvania Highway 286, to its junction with U.S. Highway 76, to its junction with U.S. Highway 119, to the Pennsylvania-West Virginia State line and points in that part of New York on and west of New York Highway 60, on the one hand, and, on the other, New York City and points within 30 miles thereof. (points in Ohio within 2 miles of the Ohio River northerly from Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State line)*;

(3) between points in that part of Pennsylvania on and west of a line boginning at Lake Erie and extending along Pennsylvania Highway 89 to its junction with Pennsylvania Highway 417, to its junction with Pennsylvania Highway 428, to Pennsylvania Highway 257, to its junction with Pennsylvania Highway 38, to its junction with Pennsylvania Highway 208, to its junction with Pennsylvania Highway 268, to its junction with Pennsylvania Highway 28, to its junction with Pennsylvania Highway 88, to the Pennsylvania-West Virginia State line, and points in that part of West Virginia within two miles of the Ohio River, northerly from Sistersville, W. Va., and Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State line on the one hand, and, on the other, Sparrows Point and Baltimore, Md. (points in Belmont County, Ohio, except Martins Ferry, Bridgeport, Bellaire, and Powhatan Point, Ohio or points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30N, to junction U.S. Highway 30 to the Ohio-Pennsylvania State line)*; (4) between Martins Ferry, Ohio, on the one hand, and, in the other, points in Ohio (except Belmont County, Ohio), (points in West Virginia within 2 miles of the Ohio River northerly from Sistersbille, W. Va. and extending to junction West Virginia-Ohio-Pennsylvania State line)*; (5) between points in that part of West Virginia within 2 miles of the Ohio River extending southerly from Wheeling, W. Va., to Moundsville, W. Va., on the one hand, and, on the other, points in Pennsylvania, (points in Belmont County, Ohio, except Martins Ferry, Bridgeport, Billaire, and Powhatan Point, Ohio)*; (6) between points in West Virginia within 2 miles of the Ohio River extending southerly from Wheeling, W. Va., to Moundsville, W. Va., on the one hand, and, on the other, points in West Virginia (except Marshall, Ohio, Brooke and Hancock Counties, W. Va.), (points in Belmont County, Ohio, except Martins Ferry, Bridgeport, Bellaire, and Powhatan Point, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115904 (Sub-No. E7), filed June 4, 1974. Applicant: LOUIS GROVER CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg.,

Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, Lumber mill products, sawmill products, wood products, composition board and wallboard*, from points in Wyoming on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 287 to Moran, Wyo., thence along unnumbered highway to Jackson, Wyo., thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Oregon on and north of a line beginning at the Oregon-Idaho State line and extending along Oregon Highway 86 to junction Oregon Highway 7 to junction U.S. Highway 26 to junction Oregon Highway 126 to junction Oregon Highway 242 to junction U.S. Highway 126 to junction U.S. Highway 5 to junction Oregon Highway 38 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of points in Lemhi County, Idaho.

No. MC 119864 (Sub-No. E14), filed May 20, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food Products, and Dairy Products and By-products* (except in bulk, in tank vehicles, in tank vehicles, and except frozen foodstuffs): (1) from Freeport, Ill., to points in Michigan on and east of a line beginning at Lake Huron and extending along Michiga Highway 21 to junction Michigan Highway 13, thence along Michigan Highway 13 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 68, thence along Michigan Highway 68 to Lake Huron (except points in Genesee County, Mich.); (2) from Joliet, Ill., to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction Michigan Highway 13, thence along Michigan Highway 13 to Saginaw, thence along Michigan Highway 47 to Midland, thence along U.S. Highway 10 to junction Michigan Highway 30, thence along Michigan Highway 30 to West Branch, thence along Michigan Highway 55 to junction Michigan Highway 55 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 32, thence along Michigan Highway 32 to junction Michigan Highway 65, thence along Michigan Highway 65 to junction U.S. Highway 23, thence along U.S. Highway 23 to Lake Huron (except points in Genesee County, Mich.);

(3) from Chicago, Ill., and points in Indiana on and north of U.S. Highway 24 (except points north of a line beginning at Lake Michigan and extending along Interstate Highway 65 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State boundary line), to points in Michigan beginning at Lake Huron and extending along Michigan Highway 21 to junction Michigan Highway 13, thence along Michigan Highway 13 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 65, thence along Michigan Highway 65 to junction U.S. Highway 23, thence along U.S. Highway 23 to Lake Huron (except points in Genesee County, Mich.); (4) from points in Indiana on and north of a line beginning at Lake Michigan and extending along Interstate Highway 65 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Indiana-Michigan State boundary line, to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to Imlay City, thence along Michigan Highway 53 to Lake Huron (except points in Genesee County, Mich.); (5) from Marshall, Ill., and points in Indiana on, south and east of a line beginning at the Indiana-Illinois State boundary line and extending Indiana Highway 234 to Jamestown, thence along Indiana Highway 75 to Dover, thence along Indiana Highway 32 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State boundary line, to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to St. Johns, thence along U.S. Highway 27 to Clare, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to Frankfort, thence along the Shore of Lake Michigan to Mackinaw City, thence along Interstate Highway 75 to the United States-Canada International Boundary line (except points in Genesee County, Mich.);

(6) from points in Indiana on and west of a line beginning at the Indiana-Illinois State boundary line and extending along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana Highway 32 to Dover, thence along Indiana Highway 75 to Jamestown, thence along Indiana Highway 234 to the Indiana-Illinois State boundary line, to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan-Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the United States-Canada International Boundary line (except points in Genesee County, Mich.); (7) from points in Indiana on and east of a line beginning at the Indiana-Ohio State boundary line and extending along U.S. Highway 36 to junction Indiana Highway 1, thence along Indiana Highway 1 to Connersville, thence along Indiana Highway 121 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State Boundary line, to points in Michigan on and west of a line beginning at Lake Michigan and extending along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to Clare, thence along Michigan Highway 115 to Lake Michigan (except points in Genesee County, Mich.);

(8) From points in Indiana on, east and north of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 6 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Michigan-Indiana State boundary line, to St. Louis, Mo., points in Kentucky (except Glasgow and Louisville), and points in Illinois north of a line beginning at the Illinois-Iowa State Boundary line and extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to Springfield, thence along U.S. Highway 36 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction Illinois Highway 130, thence along Illinois Highway 130 to the Illinois-Indiana State Boundary line, restricted in (1) through (8) above to the transportation of shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments.

The purpose of this filing is to eliminate the gateway of Archbold, Ohio in (1) through (8) above.

By the Commission.

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

[FR Doc.76-1556 Filed 1-16-76;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 6]

JANUARY 14, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3 These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub"

number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no signficant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 13087 (Sub-No. 39TA), filed December 29, 1975. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbanks, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil and grease*, in containers, from Plymouth, Wis. to Mason City, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K & P Sales Company, 1025½ South Federal Street, Mason City, Iowa 50401. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building Des Moines, Iowa 50309.

No. MC 85934 (Sub-No. 66TA), filed January 5, 1976. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, P.O. Box 248, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate*, in bulk, in trailers specifically designed to transport ferrous sulphate, from Tonawanda, N.Y., to the plantsite and facilities of BASF Wyandotte Corp. at Wyandotte, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: BASF Wyandotte Corporation, Manager—Freight Rate Planning, W. H. Wright, 100 Cherry Hill Road Parsippany, N.J. 07054. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broaderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 99610 (Sub-No. 23TA), filed January 2, 1976. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street—Pratt City, Birmingham, Ala. 35214. Applicant's representative: Thomas R. Neely (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Chemicals noi and latex*, liquid, synthetic in bulk, between the plantsite of Goodyear Tire and Rubber Co., Gadsden, Ala., and the plantsite of Goodyear Tire and Rubber Co., Rockmart, Ga., from Gadsden, Ala. over U.S. Highway 278 to Rockmart, Ga. and return over the same route, serving no intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Goodyear Tire & Rubber Co. 464 Goodyear Avenue, Gadsden, Ala. 35902. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 110563 (Sub-No. 164TA), filed December 22, 1975. Applicant: COLDWAY EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pittsburgh, Pa., to points in Connecticut, New York, New Jersey, Delaware, Maryland, Massachusetts, Rhode Island, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: Herrs Island Packing Co., T/A Western Packers, Herrs Island, Pittsburgh, Pa. 15222. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 133095 (Sub-No. 88TA), filed December 29, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Texas 76039. Applicant's representative: Rocky Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carcass lambs* from Denver, Colo. to Boston, Mass., New York, N.Y., Philadelphia, Pa., and points located in their respective commercial zones; Brentwood, Elmsford, Garden City, Mt. Kisco and Waterford, N.Y., Edison, N.J., Landover, Md., and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson & Co., Inc., P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor St., Fort Worth, Texas 76102.

No. MC 133123 (Sub-No. 8TA), filed December 29, 1975, Applicant: RUJAC TRUCKING CORP., 1133 Avenue of Americas, Room 3210, New York, N.Y. 10036. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic calculators and electronic time pieces*, and *equipment, materials and supplies*, used in the manufacture, production and distribution of such commodities, between the facilities of Casio, Inc., at Fairfield (Essex County), N.J., and points in the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), under continuing contracts with Matsushita Electric Corporation of America and Casio, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Casio, Inc., 15 Gardner Road, Fairfield, N.J. 07006. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133219 (Sub-No. 15TA), filed December 30, 1975. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, Nebr., 68317. 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: *Liquid feed and liquid feed supplements*, from the facilities of Feed Service Corporation at or near Crete, Nebr., to points in South Dakota, Iowa, Minnesota, Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Larry Stallard, Transportation Manager, Feed Service Corporation, Crete, Nebr. 68333. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 133689 (Sub-No. 69TA), filed December 30, 1975. Applicant: OVERLAND EXPRESS, INC., 717 First Street SW., New Brighton, Minn. 55112. 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: *Cheese and cheese spreads* (except commodities in bulk) from New Ulm, Minn., to Grand Island and Norfolk, Nebr., for 180 days. Supporting shipper: Kraft Foods—Div. of Kraftco Corp., 447 E. Grand Avenue, Chicago, Ill. 60611. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 136035 (Sub-No. 8TA), filed December 30, 1975. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar Street, West Chester, Pa. 19380.

Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mushroom spawn*, moving at the same time and in the same vehicle with other authorized commodities, (1) from the facilities of Grocery Store Products Company at West Chester and Kennett Square, Pa., to points in Ohio, Indiana, Illinois, Michigan and Virginia; and (2) from the destination territory described in (1) above to the facilities of Grocery Store Products at West Chester and Kennett Square, Pa., under a continuing contract with Grocery Store Products Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grocery Store Products Company, Union and Adams Street, West Chester, Pa. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 141590 (Sub-No. 1TA), filed December 31, 1975. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, Roanoke, Va. 24019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Case goods furniture, parts thereof and furniture materials*, from the plantsites of Coleman Furniture Corporation, Pulaski, Va., and Pulaski Furniture Corporation, Pulaski, Dublin and Martinsville, Va., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Nevada, Oregon, Washington, California, Missouri, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah and Idaho, under continuing contracts with Coleman Furniture Corp. and Pulaski Furniture, for 180 days. Supporting shippers: Coleman Furniture Corp., Pulaski, Va. 24301, and Pulaski Furniture Corporation, Pulaski, Va. 24301. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210 Roanoke, Va. 24011.

No. MC 141613 (Sub-No. 1TA), filed December 30, 1975. Applicant: CLIFFORD WILSON, d./b./a., C. W. TRANSPORTATION COMPANY, 6628 Priam Drive, Bell Gardens, Calif. 90291. Applicant's representative: Clifford Wilson (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, wood and wire combined, knocked down, nested, from the facilities of Martin Bros. Container & Timber Products Corp. at White City, Oreg., to Oxnard, Salinas, and Santa Maria, Calif., under a continuing contract with Martin Bros. Container & Timber Products Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin Brothers Container & Timber Products Corporation, 345 Serramonte Plaza Division, Daly City, Calif. 94015. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141630 (Sub-No. 1TA), filed January 6, 1976. Applicant: WILLIS RAYMOND HART, Route 1, North Tazewell, Va. 24630. Applicant's representative: Allan W. Markham, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, battery parts, battery chargers and scrapped batteries*, between Tazewell, Va., and points in Kentucky and West Virginia, under a continuing contract with Gould, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Gould, Inc., Langhorne, Pa. 19047, Eastover Mining Co., Brookside, Ky. 40811, Bailey Mining Co., Inc., Bypro, Ky. 41612, Coal Resources Corp., Coalgood, Ky., and Pocahontas Fuel Co., Pocahontas, Va. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 141646 TA, filed December 30, 1975. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 S. Jackson (P.O. Box 356), Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 N.W. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphaltic emulsions*, and *fuel oils*, in bulk, in tank vehicles, between points in Oklahoma, on the one hand, and, on the other, points in Kansas and Arkansas, under a continuing contract with McPherson Bros. Asphalt Sales, for 180 days. Supporting shipper: McPherson Bros. Asphalt Sales, J. Clay McPherson, Partner, P.O. Box 9205, Tulsa, Okla. 74107. Send protests to: Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 141650 (Sub-No. 1TA), filed December 29, 1975. Applicant: ROY ELLIS, d.b.a. ELLIS ENTERPRISES, P.O. Box 163, Dodge City, Kans. 67801. Applicant's representative: Roger L. Hiatt, 308 Casson Building, 6th & Topeka, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment*, unassembled, from Valley, Nebr., to points in Kit Carson County, Colo.; Cheyenne, Thomas, Finney, Stanton, Stevens, Ford, Pawnee, and Barton Counties, Kans.; and Texas County, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Gigot Valley Sales, Inc., 1200 W. 4th, Colby, Kans. 67701, (2) Gibson-Titus & Stafford, Inc., 2301–10th Street, Great Bend, Kans. 67530, (3) Casterline Irrigation of Dodge City, Inc., Drawer 1320, Dodge City, Kans. 67801, (4) Gigot Irrigation, Inc., Box 1673, Garden City, Kans. 67846, and (5) Casterline Irrigation of Larned, Inc., Box 177, Larned, Kans. 67550. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 141652 (Sub-No. 1TA), filed December 29, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic wall and floor tile*, and *such materials and supplies*, as are used in the preparation and installation thereof, from the plantsite and storage facilities of Robertson-American of Mississippi, Inc., located at Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robertson-American of Mississippi, Inc., Box 1030, Cleveland, Miss. 38732. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 141654 (Sub-No. 1TA), filed December 30, 1975. Applicant: J. A. DADY, Box 40, Sisseton, S. Dak. 57262. Applicant's representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (1) from St. Paul and Minneapolis, Minn. to Sisseton, S. Dak.; (2) from Milwaukee, Wis. to Watertown and Sisseton, S. Dak.; and (3) from St. Louis, Mo. to Watertown, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Watertown Beverage Company, Watertown, S. Dak. 57201, and (2) Estwick Dist., Inc., 113 West Oak, Sisseton, S. Dak. 57262. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

PASSENGER APPLICATION

No. MC 141589 (Sub-No. 1TA), filed December 29, 1975. Applicant: AMERICAN COACH LINES, INC., 486 Fairmont Drive, Norcross, Ga. 30071. Applicant's representative: James L. Flemister, 1220 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers*, including charter authority, between Norcross, Ga., over U.S. Highway 23 to Atlanta, thence over U.S. Highway 29 to Winder, Ga., thence over

Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to the Georgia-North Carolina State line, thence over U.S. Highways 441 and 23 to Franklin, N.C., thence over U.S. Highway 23 to Asheville, N.C. and intermediate points and in addition, to Charter Bus service from routes applied for and Tennessee and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1555 Filed 1-16-76;8:45 am]

federal register

MONDAY, JANUARY 19, 1976



PART II:

CONSUMER PRODUCT SAFETY COMMISSION

■

SWIMMING POOL SLIDES

Safety Standard

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARD FOR SWIMMING POOL SLIDES

Establishment of Standard

The purpose of this document is to issue a consumer product safety standard for swimming pool slides (16 CFR Part 1207), effective July 19, 1976. The standard is intended to reduce the unreasonable risk of injury associated with swimming pool slides by establishing requirements for materials, strength and performance of the slide and its components, by instructions and warnings to be attached to the slide showing proper techniques for use of the slide and to be provided to the user-installer, and by recommending minimum water depths depending on the height of the slide and age of the user.

Background. The Consumer Product Safety Commission began this proceeding to develop a mandatory consumer product safety standard under section 7 of the Consumer Product Safety Act by notice in the FEDERAL REGISTER of October 24, 1974 (39 FR 37804), soliciting offers to develop a recommended standard or to submit existing standards. The National Swimming Pool Institute (NSPI) was selected as the offeror to develop a standard (40 FR 3331) and submitted a recommended standard to the Commission on May 30, 1975.

On September 15, 1975, the Consumer Product Safety Commission proposed a consumer product safety standard for swimming pool slides in the FEDERAL REGISTER (40 FR 42562) under section 7(f) of the Act (15 U.S.C. 2056(f)). The proposed standard which was similar to the recommended standard submitted by NSPI prescribed safety requirements for the manufacture and construction of swimming pool slides for use in swimming pools and required that instructions accompany the slides setting forth certain recommended installation, maintenance, and intended use practices for such slides.

The background of the Commission's consideration of the proposed standard and its development by the National Swimming Pool Institute (NSPI), the offeror, is set forth in the preamble of the proposal of September 15, 1975. A discussion of the preliminary determination of unreasonable risk associated with swimming pool slides and a reference to the technical rationale which formed the basis for the Commission's proposal of the standard are also set forth in that preamble.

Description of standard. The Commission identified in the notice of proceeding (39 FR 24028) the nature of the risk of injury associated with swimming pool slides as hazards of (1) quadriplegia and paraplegia resulting from users (primarily adults using the water slide for the first time) sliding down the slide in a head first position and striking the bottom of the pool, (2) leg fractures resulting from feet first entry, (3) impact with other people in the pool, and (4) falls off the slide ladder.

The standard addresses the risk of quadriplegia and paraplegia by (1) specifying that slides must impart a low angle of attack of the slider into the water, (2) establishing slide height versus water depth relationships which are to be conveyed to the consumer by instructions containing installation and intended use criteria that must accompany the slides, and (3) requiring mandatory, permanent, and explicit signs on all sides to (a) restrict adult sized persons from the use of slides placed in shallow water, (b) inform users of the proper body position to use as they go down the slide, and (c) inform slide users of the injury potential that exists if slide use warnings are ignored.

The Commission is concerned about the possibility of an increased number of child and nonswimmer drownings caused by locating slides in deeper water. Provisions for appropriate mandatory, permanent, and explicit signs to warn nonswimmers of the danger of using slides placed in deeper water are therefore included in the standard.

Several of the signs in the proposed standard had been changed from those in the recommended standard submitted by the offeror to make the signs clearer and to emphasize the nature of the risk of injury connected with slides installed in either shallow water or water deep enough to create a risk of child or nonswimmer drownings. The Commission believes that the conflicting risks of (1) impact with the bottom in shallow water and (2) drowning in deep water can be best resolved by the standard's criteria, which specify shorter slides for children in shallow water and allow taller slides for adults and teenagers in deeper water. This approach, together with instruction signs to educate users in the proper technique for head first belly sliding, is intended to reduce the risk of paraplegia and quadriplegia without creating the unreasonable risk of drowning that might exist if all slides were required to be installed over deep water.

The depth recommendations and lubrication requirements of the proposed standard are intended to reduce the possibility of leg fractures associated with slides.

The danger of impact of a slider with other people in the pool is addressed by the provisions in the standard for recommended installation instructions and for mandatory warning signs affixed to the slide. Falls from the slide are addressed by requirements relating to (1) the slide's materials of manufacture, and (2) the design and strength of the ladders, steps, stairs, ramps, and handrails and also by recommended installation and intended-use instructions and inspection procedures.

The standard also includes an anti-stockpiling provision prohibiting the manufacture or importation of swimming pool slides that do not comply with the standard between January 19, 1976 and July 19, 1976 at a rate that is more than five percent greater than the rate for any period of 180 consecutive days beginning on or after January 2, 1974, and ending on or before December 31, 1974.

Response to the Proposal. The proposal of September 15, 1975, provided for the submission of written comments on or before October 15, 1975. Twenty-four written responses were received. A proceeding for the purpose of receiving oral comments was held on October 10, 1975, at the Offices of the Commission at 1750 K Street NW., Washington, D.C. 20207. Oral comments were received from seven persons. Several of the comments do not address substantive provisions of the proposed standard. The issues raised by the other responses and the Commission's decisions thereon are as follows:

A. *Authority to regulate the installation of swimming pool slides.* A number of provisions relating to slide installation and maintenance were changed from requirements in the offeror's recommended standard to recommendations in the Commission's proposed standard. The Commission explained in the preamble of the proposal that it believed it lacked the statutory authority to issue such mandatory maintenance and installation requirements.

1. Several comments state (a) that the Commission does have adequate statutory authority to mandate that swimming pool slides be installed in a particular location or manner around a pool and (b) that the offeror had, from the initiation of the standard development process, viewed such installation requirements as a necessary part of the standard to assure the safe performance of swimming pool slides. These comments urge that the installation recommendations in § 1207.6 be made mandatory. One commentor argues that a swimming pool slide is not ready for consumer use until it has been installed at the side of a pool and that it will not perform properly (that is, without unreasonable risk of injury) unless the installation is undertaken and accomplished in a proper manner and in an appropriate place at the pool. The argument is also made that some of the recommended practices are performance criteria authorized by the act. One comment agreed with the Commission's conclusion that it lacks the authority to mandate installation practices.

In analyzing its authority under the Consumer Product Safety Act, the Commission must consider the act as a whole and interpret each section in a manner that is consistent with the intent of the act. With this in mind, the Commission reaffirms its decision that it lacks the statutory authority to regulate directly the place of installation of swimming pool slides. It bases this decision on an analysis of the provisions and legislative history of the act.

In order for a product to be regulated by the Commission, it must be a product that is manufactured or distributed for sale to or for the personal use, consumption or enjoyment of a consumer in or

around a household or residence, a school, in recreation or otherwise,

Section 7(a) (1) and (2) of the act (15 U.S.C. 2056(a) (1) and (2)) specifies the types of requirements that may be included in a consumer product safety standard. These are:

1. Requirements as to performance, composition, contents, design, construction, finish, or packaging of a consumer product.
2. Requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions.

A safety standard issued under section 7 of the CPSA must be applicable to a consumer product and it must consist of one of the types of requirements indicated in section 7(a) (1) or (2). It is the Commission's view that the installation of a swimming pool slide is not part of the manufacture or distribution of that product and not one of the types of requirements listed in section 7(a) (1) or (2) of the CPSA.

While it may be true, as one of the commentors states, that the manner or place of installation of a swimming pool slide may have an effect on the "proper performance" of the slide, that fact alone would not provide the Commission with the authority to mandate installation requirements for slides. In this connection, a performance standard is generally one that requires a product and/or its component parts to perform or behave in a particular manner once it is manufactured, regardless of its design or construction. A preference for performance standards was expressed in the CPSA in order to permit industry to make the fullest use of its technological resources in meeting safety requirements. The fact that the Commission can establish performance requirements for a swimming pool slide does not mean that it may mandate the place or manner of installation of the slide. The Commission, however, anticipates, that the recommended installation practices will be followed by installers and hopes that States will enact legislation concerning requirements for installation as contained in recommendations in this Part 1207.

Although some provisions in § 1207.6 (paragraph (b) (3) (i), for example) may be "performance" criteria, they are still criteria conditioned upon the proper installation of a slide. The fact that water flows onto the deck of a pool from the slide for example, does not necessarily mean that the slide has been constructed improperly, but only that it may have been installed improperly.

The Commission's view that section 7 (a) (1) and (2) of the act does not give the Commission authority to mandate installation practices of swimming pool slides is also supported by the language of sections 3(a)(8) and 19(a)(1) of the act (15 U.S.C. 2052(a)(8), 2068(a)(1)).

Section 19(a)(1) of the act makes it unlawful for any person to "manufacture for sale, offer for sale, distribute in commerce, or import into the U.S. any consumer product that is not in conformity with an applicable consumer product safety standard under the Act".

The legislative history of section 19(a) (1) indicates that the language of that section is intended to insure that the act may apply to each stage of the process followed in the manufacture and distribution of consumer products (H.R. Rep. No. 1153, 92d Cong., 2d Sess., 45–46 (1972)). The term "manufacture" is defined in section 3(a)(8) of the act as meaning "to manufacture, produce, or assemble"; the definition does not include "to install." Similarly, the term "distribute in commerce" as defined in section 3(a)(11)) of the act does not include the installation of a product.

The offering for sale of a swimming pool slide would not, in the Commission's view, include the installation of the slide. Installation of a slide is in the nature of a service which the Commission does not appear to have the authority to regulate. Rather, the Commission's authority, in the context of a consumer product safety standard, pertains to the regulation of consumer products in order to eliminate or reduce unreasonable risks of injury associated with their use.

A consumer product is in violation of a safety standard under the act only if it is in violation of the standard at the time it is manufactured for sale, offered for sale, distributed in commerce, or imported into the U.S. Since the installation of swimming pool slides occurs after those actions, failure to comply with an installation requirement for swimming pool slides would not be a violation of section 19 of the act.

When the various provisions of the act are read in context as part of the whole act, it is the Commission's view that it lacks the authority to regulate directly the place of installation of swimming pool slides.

In view of the foregoing, the recommended installation practices have not been made mandatory.

The Commission, however, does have authority to mandate requirements for the proper assembly of a swimming pool slide, even by "installers," since assembly is included in "construction" and "manufacture" as defined by section 3(a)(8) of the act. Thus, the Commission could require that the slide be assembled in a particular manner.

2. Another comment states that since the Commission has no authority to mandate installation practices for swimming pool slides, it has no authority to publish recommended installation procedures and criteria, since any official publication of a preferred procedure will automatically create legal presumptions and consequences that can have the same effect as a mandatory regulation. In essence, the comment contends that it is beyond the Commission's authority to "recommend" installation provisions in this standard.

The primary purpose of the Commission under the act is to protect the public against unreasonable risks of injury associated with consumer products. Section 7(a)(1) of the act identifies the types of requirements that the Commission may include in mandatory consumer product safety standards issued under the act. It is the Commission's view, however, that it also has the authority to include recommended practices in a consumer product safety standard if those recommendations are necessary to accomplish the Commission's statutorily mandated purposes enunciated in section 2 of the Act and if the findings required by section 9 of the Act (15 U.S.C. 2058) can be properly made when the standard is issued.

Although the Commission believes it lacks the authority to require that swimming pool slides be installed in a particular location around a pool, the Commission is aware that proper installation may be an important factor in the proper performance of a pool slide. In this connection, the Commission may also use its authority under section 7(a) (2) of the act to include in a standard requirements "that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions." The Commission concludes that it has the authority under section 7(a)(2) of the act to require instructions to accompany consumer products that concern the proper use and, where applicable, proper installation of consumer products if those instructions are reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the consumer product.

Section 1207.6(c) of the standard requires that swimming pool slides be delivered to the user-installer of the slide with, among other things, a set of detailed installation instructions complying with the provisions of § 1207.6. The Commission considers this requirement necessary to eliminate or reduce the unreasonable risk of injury associated with pool slides.

While inclusion of recommended practices in a standard may create some legal presumptions and consequences in the context of private litigation, that fact should not preclude the Commission from carrying out its statutory responsibilities. Further, the fact that installers of slides are likely to follow recommended installation practices because of product liability or other concerns is considered benefiial because installation may be an important factor in the performance of the slides.

For the foregoing reasons, the regulation has not been changed in response to this comment.

B. *Ban all slides.* Two comments suggest that the most effective way of eliminating accidents associated with swimming pool slides is to eliminate the slides, and they urge the Commission to ban the product.

The Commission is authorized under the CPSA to ban a consumer product distributed in commerce only if the consumer product presents an unreasonable risk of injury and *no feasible standard under the act would adequately protect the public from that risk of injury.* The Commission is unable to find that no feasible standard under the act would adequately protect the public from the unreasonable risk of injury associated with swimming pool slides, and in fact

believes that the standard published below will reduce or eliminate such injuries. It should also be noted that the Commission is charged with eliminating or reducing *unreasonable* risks but not necessarily with the complete elimination of all hazards connected with consumer products.

Since the statutory prerequisite for the banning of a product does not exist in this case, the suggestion is not adopted.

C. *Mode of injury.* Several commentors argue that the warning signs and intended use instructions provided in the proposed standard do not sufficiently explain the nature of the mechanism that produces the serious injuries of paraplegia and quadriplegia as a result of belly slides. Briefly, these injuries appear to be caused by a forward flipping of the body that may result in the forceful impact of the top or rear of the head with the pool bottom. The Commission agrees that the previously published signs and instructions allow consumers to believe that the danger involves a straight line impact with the bottom, as with a shallow dive. What the consumer may not realize, however, is that the unexpected flipping motion will subject the slider to sudden forces beyond his or her control. The awareness of this mechanism will reinforce the user's knowledge (conveyed by the required signs and instructions) that the arms should be kept extended with the head and fingers pointing up. The Commission therefore has modified the intended-use instructions to include an explanation of the theoretical mode of injury. Figure U in § 1207.7 has also been changed to suggest the flipping mode of injury.

D. *Prohibit belly slides.* 1. One commentor recommends the use of signs that do not mention belly sliding or that, alternatively, state that "belly slides are prohibited". This commentor believes that head first belly sliding is inherently dangerous under any circumstance and should not be allowed.

The Commission acknowledges that the head first slides present considerably greater potential for serious injury than feet first slides. For the reasons given below, however, the Commission has taken a different approach to eliminate or reduce these injuries and declines to adopt the suggestion. Since head first belly sliding is a common way of using swimming pool slides, it is believed that signs prohibiting belly sliding would not eliminate this mode of use, especially in slides installed at home pools. In view of this, the Commission has addressed the prevention of injuries occurring in connection with head first sliding by a related combination of provisions. The Commission recommends that slides to be used by adults or teenagers be installed for use in at least 4 feet of water and that no slide be installed for use in less than 3 feet of water. Additionally, the Commission requires that warning signs and instructions be attached to the slide to instruct the slide user in sliding techniques that, if followed, will reduce the unreasonable risk of injury associated with swimming pool slides. One problem with an outright prohibition of belly sliding is that it does not explain the nature of the hazard involved, and individuals may continue to belly slide without knowledge of the hazard and without understanding how to do a correct belly slide. The signs required by the Commission, however, depict figures showing the nature of the hazards associated with slides, and the educational effect of showing such consequences may achieve a substantial reduction in the frequency with which belly sliding occurs.

The objective sought by this comment is therefore partially accomplished by the transom warning signs. The deliberations of the offeror's human factors and biomedical working groups, which resulted in the offeror's decision not to prohibit belly sliding, are available for inspection in the record (see transcript of the meeting of March 14, 1975, Vol. III).

2. Another comment suggests that figure S in § 1207.7, which shows the proper method of belly sliding should not be placed on the slide. This approach is a variation of the argument advocating the prohibition of belly slides. As discussed in paragraph D(1) above, the Commission feels that the safety purpose of the standard would be better served by educating the user in the proper technique of sliding rather than by issuing prohibitions that many users will not observe.

The Commission therefore has not adopted this suggestion.

E. *Water depth.* 1. One comment suggests that warning signs will be ineffective in reducing the unreasonable risk of injury associated with pool slides and that the depth of water should be sufficiently great so that injuries caused by striking the bottom cannot occur.

This approach has been considered by the Commission and is rejected because of the increased drowning potential involved in specifying greater water depths. Because of the trade-offs involved, the method adopted to achieve a reasonable degree of safety is to slightly increase the depth of water to a degree sufficient to provide some additional depth protection and to augment this improvement through the use of warning signs and by requiring the slide to impart low angles of attack of the slider into the water. These mechanisms together represent what the Commission believes to be the most satisfactory approach to reducing the unreasonable risk of injury associated with swimming pool slides.

2. One commentor suggests that the Commission consider, in reaching its decision on minimum water depths, the high direct and indirect economic costs associated with paraplegia and quadriplegia.

The seriousness of quadriplegic and paraplegic injuries, in terms of human suffering, societal losses, and high economic costs, was recognized and taken into account in the Commission's determination that the hazards associated with swimming pool slides present unreasonable risks of death or injury. The first such hazard and the nature of the risks of injury cited was:

> Quadriplegia and paraplegia resulting from users (primarily adults using the water slide for the first time) sliding down the slide in a head first position and upon entry striking the bottom of the pool.

Moreover, the Commission believes that the standard's provisions, which balance a decreased risk of striking the pool bottom in deeper water against the potentially increased drowning risk to nonswimmers, will provide an acceptable solution to the problem. Inherent in this determination is the recognition that drowning deaths, too, are associated with high degrees of human suffering, societal losses, and other economic costs.

3. Another commentor suggests that swimming pool slides, if not banned, should be restricted to pools with full-time life guards and restricted to use by swimmers in deep water. Another commentor recommends that the use of slides be limited to deep water and that only those individuals who are swimmers be permitted to use the slide. Although these suggestions may be effective in a public pool where sufficient supervision to enforce them and to prevent drowning is provided, the Commission believes they would result in an increased risk of drowning in a relatively unsupervised setting. These comments are variations of the view that water depth should be the major safety factor for impact with the bottom. This view was given full consideration by the Commission before publishing the proposed standard, and the Commission has decided not to change the standard in response to this suggestion for the reasons set forth below.

The Commission has the authority under the act to mandate safety standards for consumer products. It does not, however, have the authority to control consumer use of consumer products directly other than through requirements that consumer products be marked with or accompanied by warnings or instructions. Therefore, the Commission cannot limit the use of swimming pool slides in deep water to swimmers or restrict the use of slides to pools with full-time life guards. As previously indicated, the Commission also lacks authority to mandate that swimming pool slides be installed in a particular location in a pool. Accordingly, the changes requested have not been made.

4. One commentor stated that, in his opinion, the Commission has ignored criticisms of the standard that were submitted by the Commission's Bureau of Engineering Sciences. The Commission's record of the standard development proceeding for swimming pool slides includes comments by the Bureau of Engineering Sciences (BES) on the recommended standard submitted by the offeror (memorandum dated August 21, 1975). BES's comments recognize the technical fact that on existing slides with untrained users, a potential exists for injury in water depths of less than 5 feet. However, the standard published below reflects additional consideration, judg-

ment, and decisions by the Commission involving factors of human behavior, economics, drowning potential, and the like that were not part of the initial engineering evaluation by BES of the standard submitted by the offeror. When all of these factors are considered, the Commission believes the standard is an effective means of reducing the unreasonable risk of injury associated with swimming pool slides.

5. Another commentor suggests that head first sliding be prohibited in less than 5 feet of water. The response to the comments provided in D(1) concerning the suggestion that belly sliding should be completely prohibited apply to this suggestion. The merits of the various comments concerning water depth were discussed in great detail by the offeror and the Commission during the development period of the standard. The question of water depth in relation to injury and slide height were the subjects of studies both at Utah University and Nova University in actual experiments on typical slides. Further, the technical analysis developed by the offeror addressed the issues in a theoretical manner. All of these studies indicate that if the slider, in a head first slide, ignores the methods of head first sliding shown by the signs required by the standard, a potential for injury exists in water depths of less than 5 feet. Such accidents have occurred. These studies also show that if the proper head first configuration contained in the signs and instructions is performed, a slide into 3 to 4 feet of water can be safely performed.

In developing the standard, the offeror balanced the decreased risk of adults striking the pool bottom in deeper water against the potential increase in drowning risk to nonswimmers, especially children, to arrive at the recommended depths given in the standard while noting the possible adverse economic effects on the slide industry caused by a reduction in the available pool perimeter space if locating slides in deeper water were required (Technical Rationale, sec. 7A–7, vol II).

Since the control of water depth is not the only provision of the standard designed to reduce the risk of injury by impact with the bottom during belly slides, and due to the potential risk of drowning involved in greater depths, the Commission believes that, on balance, the standard, which allows belly sliding into less than five feet of water, is an acceptable solution to the problem. Accordingly, the requested changes have not been made.

6. Another comment complains that there is no physical evidence to support the warning in figure V in § 1207.7 that "careless belly slides can cause injury" in depths greater than 4 feet. This comment is incorrect. The studies at Utah University (see, for example, figures 41 and 65) and Nova University (Section VII) and the technical analysis developed by the offeror in sec. VIIA–10 of vol. II of the rationale indicate that injuries can be received by adults during belly slides from high slides into more than 4 feet of water. Therefore, the content of the sign is necessary, and no change has been made in response to this comment.

7. On the other hand, another comment has suggested that the water depth for slides should be at least as great as that "considered safe" for diving boards. There was no technical evidence presented to support this contention. A diver often attempts to make a clean entry into the water including an intentional projection directly toward the bottom of the pool. The intent of the slider following the warning sign instructions, however, is precisely the opposite—to remain on the surface. The Commission therefore believes that the suggested requirement would be inappropriate, especially in view of the potential for drowning, and no changes have been made in the standard in response to this comment.

8. Another comment suggests that the standard's complex rules on water depth should be replaced with a single simple rule that no slide should be placed in water shallower than a given minimum depth. The offeror and the Commission, in their assessment of the problem, also considered such an alternative, and the Commission believes that the depths recommended in the standard with appropriate warning and instruction signs will substantially reduce the unreasonable risk of injury. However, a single depth would require that most slides be placed in relatively deep water, thereby increasing the potential hazard of drowning to small children. The Commission believes that this risk of drowning must be considered, and, therefore, the standard contains provisions intended to minimize the risk that is created when placement of slides in deeper water is required. Allowing several depth criteria, depending upon slide height and use, provides closer control of the conflicting dangers that the standard attempts to balance. Accordingly, the suggestion is rejected.

9. A commentor states that the technical data from which the water depths versus slide heights contained in table 4 were obtained are erroneous and not supported by practical experience with some depths that have been involved in serious injuries. In reviewing the technical data prepared by the offeror to justify these water depths, the Commission in fact found some editorial errors which were subsequently corrected. However, the validity of the theoretical derivation of depths was only one of the factors considered in the process of determining the adequacy of the proposed standard. The warning signs are also designed to reduce the risk of injury. In addition, the concern over the possibility of drowning resulted in the decision of the Commission to recommend shallower depths than those obtained through the theoretical model. Accordingly, more rigorous verification of the theoretical models used has not been made, and the Commission believes that the results of such an effort would not significantly add to or detract from the validity of the proposed standard. Furthermore, it would not be in the public interest to delay the standard in order to pursue such verification because the recommendation of water depths is only one of the means by which the standard addresses the unreasonable risk of injury associated with pool slides.

10. One commentor states that he had investigated five cases of quadriplegia associated with swimming pool slides and the recommended water depths contained in the standard would not, in his opinion, have prevented these injuries. This comment ignores the effect of the requirements of the standard for warning and instruction signs and the recommendations for installation and thus is not persuasive.

11. Another comment states that the rationale that children are safer than adults in shallow water is erroneous because (a) children have weaker necks, (b) the child's velocity at the water surface will be at least as great as an adult's, (c) the child has less drag than an adult, (d) at the 3- to 4-foot depth, the child will be moving faster than an adult, and (e) injury potential is a function only of impact velocity, the surface impacted, and the configuration of the body at impact. However, the experimental data from Utah University do not indicate that children are moving faster than adults at the 3- to 4-foot depth (TR 127–2–MO–002, pp. 4, 5). In addition, a child's mass to drag coefficient ratio is less than that for an adult, causing children to lose speed more rapidly than adults. The injury data on which the Commission based its request for a standard and its evaluation of the proposed standard does not include any paraplegia injury cases of children under the age of 13 years, even though these children often use slides installed in shallower water than those used by adults and teenagers. Thus, the Commission's decision to allow children to use the 3- to 4-foot depth, even though that depth has been shown to be dangerous for adults and teenagers, appears to be a rational one.

F. *Signs.* 1. One commentor states that the proposed transom signs, in figures U and V in § 1207.7(f), could have a significant detrimental impact on the swimming pool industry and that he would like to have had the opportunity to comment on the Commission's economic analysis of the slide proposal. He contends that it is a fundamental denial of due process and violative of 5 U.S.C. 553 (the Administrative Procedure Act) for the Commission not to make an economic analysis of the proposed swimming pool slide standard available for public comment during the comment period.

Section 9(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2058(a)(2)) requires the Commisison to follow 5 U.S.C. 553 (the Administrative Procedure Act) in issuing rules proposed under section 7(c), (e)(1), or (f) or section 8 of the act. 5 U.S.C. 553(b)(3) calls for general notice of proposed rulemaking to be published in the FEDERAL REGISTER, setting forth "either the terms or substance of the proposed rule or a de-

scription of the subjects and issues involved."

Once a proposed rule is published for comment, 5 U.S.C. 553 requires agencies (with certain exceptions) to allow the public to submit at least written data, views, or arguments on the proposed rule. In addition, the Consumer Product Safety Act requires the Commission to provide an opportunity for the oral presentation of data, views, or arguments. These requirements were complied with by the Commission.

Two purposes of the public proposal of rules are to allow an agency to educate itself before issuing a regulation and to allow the public an opportunity to be heard on issues that will affect it.

The comment correctly points out that section 9(c)(1) of the Consumer Product Safety Act, as well as the legislative history of that section, requires the Commission, prior to promulgating a standard, to consider and make appropriate findings for inclusion in the final standard concerning certain economic effects thereof. The legislative history of the act, however, also indicates that to allow comments on the Commission's findings under section 9(c)(1) would be unwise and unnecessary. As noted in the comments section of the Senate Commerce Committee Report:

> To require the Agency to announce its findings before receipt of comment on its specific proposal would seem both unwise—because they would not reflect the data and views submitted during that stage of the proceedings devoted to the solicitation and evaluation of comment upon the proposed standard—and unnecessary—since the findings in question are not intended as a basis for comment but as a way of insuring that the grounds for the ultimate decision are made a matter of record. (S. Rept. 749, 92d Cong., 2d Sess., p. 81 (1972).)

It is the Commission's view that all persons were afforded an adequate opportunity to present data, views, or arguments concerning the proposed standard, including its economic impact. All such comments were considered by the Commission prior to issuing a final standard. Although several comments alleged that the proposed transom signs could have a significant detrimental effect on the slide industry, no data or documentation have been submitted to the Commission to support this allegation. It appears that the concerns of an adverse effect on the slide industry because of the transom signs are purely speculative.

The Commission believes that a person who purchases or uses a swimming pool slide should be given the information necessary to exercise an informed judgment on the merits of the product. A significant part of that information is a clear statement of the nature of the risks of injury associated with the use of the product. This is particularly important when the nature of the injury is as serious as paralysis or drowning. Figures U and V in § 1207.7 apprise the potential user or purchaser of risks and consequences known to occur, and it is the Commission's view that the explicit nature of the transom signs is necessary and desirable to eliminate or reduce the unreasonable risk of injury associated with swimming pool slides.

2. Several comments suggest that figure U include a limitation on the height and weight of the users to whom the warning is directed rather than just refer to them as adults. The intention of this suggestion is to also warn children who have physically reached the same proportions as the adults for whom the warning is intended.

The children who would fall into this category represent a very small group within the population (only about 5 percent of children 12 to 13 years old weigh more than 127 pounds). The Commission has therefore decided not to adopt this suggestion. Consideration of what height and weight limits might be appropriate, however, has led the Commission to conclude that the sign should warn teenagers as well as adults of the danger, and the appropriate addition has been made to figure V. This limitation was included in the signs originally submitted by the offeror and is supported by the offeror's technical rationale (sec. VIIA–6, vol. II).

3. Further objections were made to the signs in figures U and V on the basis that there had been no technical rationale developed for the signs as proposed, which had been changed by the Commission from the signs recommended by the offeror.

The basic concept of using warning signs in combination with particular water depths is included within the technical rationale submitted by the offeror (sec. VIIA, vol. II). Any change in the signs that would more clearly depict the type of injuries that can occur would be more effective in imparting the realization of the severity of the potential hazard to the user and would therefore make the signs more effective. In comparison with the signs supplied by the offeror, the signs as proposed in the FEDERAL REGISTER more closely approach the achievement of the safety objective through their more explicit graphic forms. It should also be pointed out that the act does not require the Commission to publish or formulate a "technical rationale" for any changes it makes in the offeror's recommended standard, except that section 11(c) requires that upon judicial review, the findings under section 9(c) of the act must be supported by substantial evidence on the record taken as a whole (15 U.S.C. 2060(c)).

4. One comment suggests that the word "only" be added to "belly slide" in figure S in § 1207.7 if the sign was intended to mean the slide was for belly sliding only.

Since the most serious injuries occurring in connection with swimming pool slides occur while the user is belly sliding, the standard does not recommend that a slide be used for belly sliding only. Therefore, this comment is not applicable. Since there appears to be some confusion as to the meaning of figure S, however, the Commission has changed the sign to delete the word "only" at the right-hand side of the sign as proposed and to add the word "correct" before "belly slide." For the same reason, and in the interest of uniformity, the "only" has also been deleted from, and "correct" inserted in, the sign as proposed in figure T.

5. One comment suggests that the wording "palms up" in figure S might be confusing to a child. This is a valid criticism, since the slider as depicted in the proposed sign was not in a palms up position but rather a palms down one. The wording of the sign has therefore been changed to "head up—arms straight ahead—fingers pointing up" to increase the clarity of the message.

6. Another comment suggests the addition of a warning sign stating "use handrail when ascending or descending ladder." It is the Commission's opinion that each additional sign or warning either diverts attention from, or dilutes the impact of, other signs. The suggestion relates to a practice that has not been shown to be part of the primary injury pattern related to falls from the slide ladder. To avoid a reduction in effectiveness of signs relating to the primary hazards, this suggestion is not adopted.

7. Another comment suggests that the instructions for the intended use of slides should be prominently displayed in the slide or pool area.

The Commission has required the permanent attachment on slides of signs conveying the information deemed to be most important in preventing injuries occurring in the use of slides. The considerable information contained in the intended-use instructions that is not presently required to be attached to the slide would have to be provided on a separate sign to be displayed elsewhere, according to this suggestion. This separate sign could tend to dilute or reduce the effectiveness of the signs on the slides. Accordingly, the suggestion has not been adopted.

8. One comment expressed concern about whether the use of 5-inch by 10-inch transom signs would interfere with the use of the slide. The relationship between ladder steps and slide transom is such that a 5-inch by 10-inch sign should be easily accommodated. Also, a decal or the equivalent could be molded into the transom. The wording of § 1207.7(c) of the standard, however, has been modified to provide some flexibility in the choice of mounting location.

9. Another consideration in setting the size of the sign is that it must be large enough to adequately convey the information it is required to contain. One comment suggests that the minimum lettering size be increased to one-half inch lettering from one-quarter inch lettering. Since one-quarter inch lettering is sufficiently legible, and one-half inch lettering will not fit on the minimum size sign specified, this suggestion is not adopted. Larger signs could interfere with the normal use of the slide. These suggestions, however, have directed attention to § 1207.7(b) which as proposed could cause confusion about the size of the transom signs, whose dimensions are given in figures U and V. Accordingly, a statement has been inserted in § 1207.7(b) specifying the minimum size for transom signs.

10. One comment states that the proposed signs will not be effective for children under the age of 9 due to their lack of cognitive and inference skills. Even if this is true, the signs are not intended solely for the benefit of children, since the most serious injuries generally occur to adults, and this comment therefore does not require modification or elimination of signs as a warning and educational device. The Commission believes, however, that the graphic nature of the signs will be useful to younger children.

11. One comment states that figures W and X show a lower angle of the slide chute than any slide now manufactured. These figures are merely to illustrate the intended-use instructions, and the angle of slide chute is immaterial for that purpose. No changes are therefore required.

12. One comment states that the word "warning" in Figs. U and V should be changed to "danger". The Commission believes that the most effective way to reduce the "danger" connected with swimming pool slides is to encourage users to follow the "warnings" required by the standard. In view of the high number of persons who perform belly sliding, and who will probably continue to do so even if confronted by a sign warning of "danger" or prohibiting belly slides, the term "warning" is felt to be more apt. Accordingly, the comment has not been adopted.

13. Another comment stated that the word "careless" should not be used on the sign required in shallow water (Fig. V) since even carefully performed slides are dangerous. The Commission believes, however, that the most effective means of reducing the risk is to instruct users in the proper manner of making belly slides, rather than by issuing prohibitions which may not be observed. Therefore, this comment was not adopted.

G. *Ladders.* 1. Two comments are directed to the provision for ladder chains on unrestricted slides (those installed over 4 feet). The comments express concern that ladder chains are insufficient for keeping children off the slides and that the chain itself could present a danger.

Except for the allegation that the chain could present a tripping hazard to the user, no indication is given of why a ladder chain itself could present a danger. The Commission has no evidence that ladder chains contribute to creating an unreasonable risk of injury associated with swimming pool slides. In view of the seriousness of the danger the chain is designed to prevent (drowning or paraplegia of unsupervised children), its presence should, on balance, create a safer product. The Commission believes that the concerns expressed in these comments are adequately provided for in the standard by specifying that a ladder chain "or other suitable device" to keep unsupervised children off the slide be provided on unrestricted slides. No more effective means of achieving this goal has been suggested, but the standard allows the use of other means.

2. Another comment states that openings of between 5 inches to 10 inches present a potential for head-entrapment and that the recommended placement of the handrails falls within that range. The distances of the handrail from the ladder were selected on the basis of safety considerations in the use of the handrail. The Commission has received no data to indicate that there is an unreasonable risk of injury with swimming pool slides due to the hazard of head entrapment. The height of the transition handrail above the slide runway platform was selected to help the user maintain proper balance during the transition from the ladder to the slide.

3. One comment recommends that ladder platforms be required for all slides and that the platforms be required to have transitional handrails. The standard requires platforms for slides more than 7.5 feet above the surface on which mounted. The Commission is unaware of any hazard associated with the lack of a platform on shorter slides. The Commission therefore declines to adopt this suggestion. Transitional handrails are already required by the standard.

4. Another comment states that "there is no control shown for ladder angle other than relating it to type of step, stair, ramp, or rung allowed" and states that a standing center of gravity measure should be established favoring a forward rather than a rearward fall. The comment states that this change would result in a ladder slope in the range of 20 to 30 degrees from the plumbline.

The standard as proposed requires that the ladder be designed so that the user's center of gravity will be positioned approximately directly over each step. The Commission believes this requirement "favors" no falls rather than forward falls and, therefore, should not be changed. The Commission also believes that, as long as the center of gravity is over each step, the particular angle of the ladder is not significant in terms of reducing falls from the ladder.

5. The same comment states that rungs should be eliminated as an ascent means since there are no slip-resistance performance criteria for rungs and since the allowed ladder angle for rungs is zero to fifteen degrees, which the person commenting feels is the most dangerous range. The Commission does not agree that this change is necessary, since it believes that for ladders within the designated angle range, ladder rungs are at least as safe as ladder treads because the foot has a tendency to bend over the rung, thus providing sufficient slip resistance. Accordingly, the recommendation is not accepted.

6. Another comment recommends a high first step of 1½ feet on ladders higher than 6½ feet and removable ladders on slides 12 feet and over to restrict young children from ascending the ladder in deep water locations. The standard as proposed provides for ladder chains "or other suitable devices" to keep unsupervised children off the slide in depths of 4 feet or more. No information has been submitted to show that the suggested requirements would be more effective than either chains or the other devices allowed by the requirements of the standard, and the Commission therefore declines to make the change. Use of the suggested devices is permitted by the standard and no change is necessary.

7. Another comment states "the only strength requirement on the ladder steps is due to the 300±2 pound load used in the slip resistance test . . . [H]owever, lesser loads can be used because of the last sentence that reads, 'Tests that utilize equivalent forces on the block may be substituted if they result in substantially identical slip resistance measurements' ".

The comment is correct in the observation that this test is designed to test both the strength of the ladder steps and the slip resistance of the tread. The comment misconstrues the meaning of the last sentence of § 1207.5(c)(3)(iii)(B), however, in assuming that it authorizes the use of lesser loads. The word "equivalent" is used in the sense of "equal" and was inserted to allow the use of means other than a 300-pound weight to provide the 300-pound force to the block, since this test could prove dangerous with the use of such a weight. To reduce the possibility of confusion, however, the Commission has amended the wording of that sentence and has expressly included a static strength requirement for ladder steps and rungs.

8. A comment suggests that the provisions of the proposed standard (a) requiring the use of ladder angles of less than 15° (with rungs only) and (b) requiring that the center of gravity of the user be positioned over each step are inconsistent. The Commission agrees and § 1207.5(c)(2) has been changed to except rungs from the positioning requirement.

H. *Lubrication.* 1. One comment recommends that the requirement for lubrication of the surface of the slide be deleted because lubrication increases the exit velocity of the slider and therefore makes the slide more dangerous. The Commission believes that the lubrication requirement is necessary to provide a sufficient horizontal component of velocity to provide a proper trajectory of the slider and to produce a smooth and predictable path of the slider down the slide. Further, this requirement will have the additional benefit of preventing injury due to friction burns between a dry slider and unlubricated slide. The suggestion is therefore not adopted.

2. Another comment asks what substances other than water could be used for slide lubricants. As far as is practicable, the requirements of a standard should be phrased in terms of performance criteria rather than design criteria. The phrasing of the standard allows the development of methods of lubrication other than water. For example, a low-friction sliding surface or coating might provide sufficient lubrication. The wording of § 1207.5(e) has been changed to clarify its meaning.

3. Another comment suggests specifying a minimum percentage of the slide

surface to be wetted. The standard already requires that substantially all of the slide surface be wetted (if water is used), and the suggested change is unnecessary.

I. *Angle of attack.* 1. A comment contends that the statement in the proposal's preamble that "the standard will significantly reduce the incidence of the injuries by specifying that slides impart a low angle of attack into the water" is not valid, since the angle of the slide exit may only "assist" the slider to achieve a safe angle of entry into the water. The comment states that what the slider does after he exits from the slide is of greater significance than the angle of exit and that the data contained in figure L of the proposed standard is misleading. The language quoted by this comment is only one portion of the preamble statement. It is anticipated that all provisions of the standard, including recommended installation instructions, intended-use instructions, and warning signs, will in combination reduce the incidence of the injuries.

2. One comment suggested that the term "angle of water entry" be used instead of "angle of attack." The "angle of attack" is defined in the standard as the angle between the slider's longitudinal axis and the tangent to the path of the slider's center of gravity at a point where the slider's feet have cleared the end of the slide by zero to eight inches. The "angle of water entry" denotes the angle between the slider's longitudinal axis and the horizontal, but does not state at what point this angle should be measured. Since the "angle of attack" defined in the standard is different from the "angle of water entry," the suggestion is not adopted.

3. A comment complains that the angle of attack performance test would be "impossible to interpret if the body is not in straight line." The comment suggests that the "test could be improved by rolling a ball down the slide and measuring the distance if impact on the ground—away from the slide edge."

The Commission recognizes that there will be some effect on the angle of attack performance test results due to variations in the technique of different testers. These variations are not believed to be significant in terms of the validity of the test results. The suggested test is not believed to constitute an improvement, however, because it does not take into account how the slide geometry can affect the angle of attack by reacting with different parts of the body at the same time. In other words, a long object will be affected differently by the geometry of the slide than would the suggested ball. The distance before impact would also depend on the speed caused by the height of the slide. The suggested test, therefore, would merely measure the exit angle and ball speed and not the critical angle of attack of a slider. Accordingly, the suggestion is not adopted.

J. *Slide height.* 1. Some comments suggested limiting the maximum height for swimming pool slides. The standard, as proposed, includes an equation specifying the depth of water recommended for slides over 20 feet in height. The depth of the swimming pool then acts as a practical limit on the height of the slide. Furthermore, diving platforms of 10 meters in height are installed in many pools. Such platforms, under proper use, instruction, and care, are used regularly. The Commission believes that large slides augmented by signs, depth of water, and design configuration can be safely used and that practical limitations on height will generally be controlled by the water depths and deck area available in the swimming pool. Furthermore, the Commission is aware of any information to indicate that "excessive" slide height contributes to the unreasonable risk of injury associated with swimming pool slides. For these reasons, this suggestion is not adopted.

2. One comment suggested that the dimension "h" in figure N, defined in § 1207.6(b)(2)(i), should be redefined with respect to aboveground pools as "the height of the slide above the water surface." The Commission agrees that the definition in the standard, as proposed, would impose excessive values of "h" on those aboveground pool slides that are supported by a surface lower than the water level. Accordingly, the suggestion is adopted.

K. *Slide chute angle.* A comment states that the maximum slide-slope angle of 75° allowed by the standard is unsafe in that the slider will depart from the slide at a velocity in excess of 15 feet per second from a 10-foot high slide. The Commission is not persuaded, however, that a change is required. The major factor in the exit velocity of the slider is the height of the slide, since the friction of a slider on a lubricated slide is negligible for this purpose. Accordingly, the slide-slope angle is not the critical factor in exit velocity.

L. *Alternative designs.* One comment states that the offeror should have explored the possibility of alternative designs such as slide-chute angle limits or exit height to reduce the hazard. The offeror did consider alternate designs (Section 7A, Technical Rationale). However, the offeror rejected the concept of restricting the allowable configuration of slides to those designs because of their increased cost and because they introduced other safety hazards to the pool environment. Furthermore, no alternative design has been built that corrects the potential hazard of striking the bottom. The development of alternative designs is not prohibited by the proposed standard, nor is their use within the criteria set by the standard. In the event an effective alternative design is developed that conflicts with some requirement of the standard, the standard can be amended to allow its use.

M. *Curved slides.* Another comment questions why it is necessary to allow the inclusion of curved slides and states that in his opinion slide curvature presents a severe disorientation to the user the first few times he or she descends the slide. The Commission has decided to allow inclusion of curved slides for the reasons set forth below. The standard requires runway siderails and provides that any runway curvature shall be consistent with maintaining the slider safely on the slide during intended use and reasonably foreseeable abuse. The standard also contains a performance test to insure that the runway is a balanced curve and requires that all lateral forces will have ceased upon exit from the slide. These provisions would appear to answer the concerns of the comment. In any event, the Commission is not aware of any facts showing that slide curvature contributes to the unreasonable risk of injury associated with swimming pool slides.

N. *Scope of standard.* Another comment suggests that the scope of the standard be expanded to include all water slides and not just those installed at swimming pools. The scope of the standard was originally restricted to swimming pool slides because most reported injuries have occurred in swimming pool environments where the hard pool bottom is especially dangerous. In addition, there are variable factors involved in the performance of slides at lakes, such as large variations in water height. Accordingly, the suggestion has not been adopted. If it can be shown that the requirements relating to swimming pool slides should apply to all water slides, however, the standard could be amended to include them.

O. *Clearance distances.* 1. A comment suggests that § 1207.6(b)(3)(iii)(C) be changed to specify that the minimum height of the slide above the deck shall be 8 inches, whether the copings are raised or are flush with the deck. The standard as proposed provides that the minimum height shall be 14 inches above the deck if there are raised copings (usually 6 inches in height) and 8 inches above the deck if copings are flush with the deck. The intent of this provision is to provide a clearance of 8 inches above the copings to prevent hitting the hands on the copings during descent. If the suggestion were adopted, clearance above copings raised 6 inches above the deck would be as little as 2 inches. The Commission does not believe this distance is sufficient to prevent striking the hands on the coping during descent and therefore the suggestion has not been adopted. The wording of the section, however, has been changed to more clearly reflect the intent of the Commission in the event there are copings raised to heights other than 6 inches.

2. One comment stated that, in § 1207.6(b)(3)(ii)(A), the distance "CD" should be measured along the extended centerlines of the slides. Since any other interpretation would be inconsistent with some of the other distance recommendations, the standard has been changed to clarify its intent.

3. Another suggestion states that the 10-foot distance allowed by § 1207.6(b)(2)(iii)(B) between the end of a slide and a safety line strung across the pool

is insufficient. The Commission believes that the velocity of a slider at the 10-foot distance would not present a hazard due to collision with the line, a nonrigid obstruction, even though contact could occur if the slider did nothing to avoid it.

4. Another comment states that the clearance between slides and diving boards should be greater than 7 feet, since many people jump off of diving boards. The distance referred to is identical to the one in the voluntary standard of the National Swimming Pool Institute, 2000 K Street NW., Wash., D.C. No showing that this distance is a factor in swimming pool slide injuries has been made from data from existing pools using this distance. Accordingly, the suggestion is not adopted.

5. Another suggestion was that the distances from diving boards or sides of pools to the slide should be equivalent to clearances between diving boards. The Commission does not feel that this requirement is necessary, since the variation in the lateral angle of exit from a diving board is considerably greater than that from a slide and the suggestion is not adopted.

6. A number of comments noted the inadvertent omission from the proposed standard of table 3, which sets forth recommended minimum water depths and distances for the installation of slides and which was referred to in the published proposed standard.

Since the final values in table 3, which were submitted as a result of further communication with the offeror and which were available for and should have been in the proposed standard, differ somewhat from the values in the version of the standard originally submitted by the offeror (where they were designated as based on preliminary data), table 3 was published for comment in the FEDERAL REGISTER of October 31, 1975 (40 FR 50728), as a correction to the proposed standard. A period of 10 days was provided for comment and an opportunity for an oral presentation of comments on table 3 was provided on November 10, 1975. No oral or written comments on table 3 were received, and it is included in the final standard as proposed, except that the tolerances of the dimensions have been deleted since the dimensions are only minimums.

P. *Use and abuse.* 1. One comment states that the use of the terms "a reasonable user" and "intended use" in the standard imply variations in use that are not considered in the standard. The comment argues that the standard should reflect all the potential uses to which the slide could be put, in addition to the intended use.

The Commission realizes that swimming pool slides may be used by individuals in a manner not intended by the manufacturer of the slide or contemplated by the standard. The purpose of the standard, in part, is to advise consumers of the proper means of using swimming pool slides and the consequences of improper use. It is not apparent how any reasonable standard could deal with all of the conceivable abuses to which a slide can be put, for example, sliding down on the soles of the feet in a standing position. No change has been made therefore in response to this contention.

2. One comment states that the use of the term "reasonable (sic) foreseeable abuse" in the standard dictates the need to identify what is "reasonable" and to describe specifically "abuses." The Commission believes that there has been broad experience in interpreting the term "reasonably foreseeable abuse" and that it is unnecessary to define that term further at the present time. The Commission, however, will consider further refinement of that term if the need arises.

Q. *Inspection and maintenance.* 1. One comment suggests that the periodic inspections of commercial slides be performed by qualified licensed independent engineers rather by those who allegedly would have an inherent conflict of interest, such as sellers of the product.

Section 1207.8 requires that installation instructions include the inspection items listed in § 1207.8 and recommends that periodic inspections of slides be carried out to assess their safety. Section 1207.8 does not specify who should conduct these inspections. It is the view of the Commission that the inspection may be carried out by any qualified person or organization selected by the owner of the slide. The precise nature of the alleged conflict of interest and how it would adversely affect the safety considerations of the inspection are not stated or apparent. The suggestion is therefore not adopted.

2. One comment states that since the sections of the standard relating to installation and maintenance are most important to assure safety, the government has the obligation to the public to at least provide funds, facilities, and/or inspectors to the States and localities where significant slide activity is known to result in accidents due to poor maintenance.

After the standard becomes effective, the Commission's Bureau of Compliance will have the responsibility of enforcing the mandatory provisions of the standard. The recommendations included in the standard, however, are not subject to enforcement action by the Commission. Except to the extent that money is appropriated for Commission enforcement action and for general educational activities in matters affecting public safety, the Commission does not have the power to provide the requested help. The Commission intends to do everything within its power to achieve maximum acceptance and observation of the principles of consumer product safety embodied in the standard.

R. *Miscellaneous.* 1. Other comments suggested that the maximum velocity of the slider should not exceed 5 feet per second. The Commission believes that the provisions of the standard that are designed to prevent injuries in connection with belly slides are sufficient to minimize the flipping mode theorized to cause the most serious injuries. Since exit speed alone has not been shown to be a factor in swimming pool slide injuries caused by hitting the bottom, the Commission believes that the suggested limitation is unnecessary. The standard also specifies minimum horizontal clearance distances from the pool walls and accessories. In addition, a practical limit on velocity is imposed by the slide-height to water-depth relationships contained in the standard, since the available depth of the pool will serve to limit the allowable slide height and the related velocity.

2. One person describes research that he had conducted concerning the injury mode involved in head first belly slides. The research involved a simulated slide that would eject a doll-like replica of a human slider into a small water tank. The replicas were specially weighted to produce proper weight distribution, and the limbs of the figures could be set in various positions to examine the effect of body configuration on the injury mode. Although the disclosures of this comment may be helpful to those persons participating in research on the problem, the comment does not specifically relate to the provisions of the proposed standard except to urge that an explanation of the probable injury mode should be included in the instructions. As mentioned previously, the Commission has modified the instructions in § 1207.7(g) to include this information.

3. Several comments recommend that a shock absorbing or cushioning material be placed around the slide ladder to protect against injuries caused by falls from the ladder. Also submitted were ideas to pad the pool bottom, attach a high-friction chute liner to slow down the beginning of the slide, and provide a cushioned ramp under water to prevent too rapid downward progress.

The Commission has addressed these risks of injury by the requirements relating to slide performance and specifying the structural characteristics and relationships of the ladder to the slide and handrails. The suggestions concerning cushioning material do not specify the acceptable physical characteristics of the material. Evaluations have not been made of the particular designs to be used, of the durability of the materials in a pool environment, or of the degree of consumer acceptance of and willingness to use such arrangements. Also, the economic impact of such requirements cannot be determined on the basis of presently available information.

Accordingly, the Commission does not believe that it is in the public interest to delay issuance of the standard in order to deal with the numerous unanswered questions surrounding these suggestions. If in the future the answers to these questions become available and indicate that the suggestions may be suitable for inclusion in the standard, amendment of the standard can be considered. In the meantime, the standard does not prevent their use.

4. One comment asks what tolerance is allowable for the 50-percentile adult male. The Commission believes that a tolerance of ± 5 pounds in weight or ± 2 inches in height would be appropriate and the standard has been changed accordingly.

5. Another comment suggests that a grid background be required for the photographs in the performance test which measures the path of the slider's center of gravity. Although the use of a brackground grid in analyzing film data is normal good engineering practice and may be employed if desired, the Commission sees no need to include its use as a mandatory requirement, since it is possible to achieve the desired results without it.

6. Another comment suggests that specific anatomical references such as hips and ears be utilized in determining the slider's longitudinal axis, rather than utilizing the center of gravity as the standard provides. The Commission declines to make this change since the center of gravity is the dynamically significant factor in this aspect of slide performance. In making the performance test required by the standard, however, the tester may determine the physical relationship of the center of gravity of the slider to such specific anatomical references as an aid in the evaluation of the test data.

7. Another comment suggests that "major" be inserted before "structural damage" in § 1207.5(f)(9)(ii) (concerning the test or the slide's ability to withstand impacts) in order to make it consistent with § 1207.5(f)(9)(iii)(B)(3). The intent of the comment apparently is that damage that will allow the slide to support a static load of 350 pounds without further crack propagation is not "major." The Commission agrees that such a static load performance test should be applied to any damage occurring during the dynamic loading test but does not believe that the word "major" is sufficiently specific. Accordingly, the Commission has changed the section to refer to the static load requirement.

8. Another comment suggests that higher loads be utilized in determining the structural integrity of the slide and recommends a safety factor in the range of 5 to 10. The Commission, however, believes that the suggested range is not necessary in view of the limited dynamic loading that occurs in climbing ladders.

9. The Commission's attention was directed to typographical errors in the equations connected with table 3, in §§ 1207.5(d)(2)(i) and 1207.5(f)(5), and in the moment equation contained within figure E. The appropriate corrections have been made.

10. This standard was developed using the English system of units. Metric equivalents have been included in the text of the standard for convenience.

Other Changes. 1. Minor clarifying changes have been made in the definitions in § 1207.3(a)(12), (13), and (14). Other nonsubstantive clarifications and improvements have been made in the standard.

2. The proposed requirement in § 1207.5(d)(4) that fasteners be able to withstand a 1 foot-pound back-off torque has been changed to apply only to threaded fasteners, since it may not be applicable to other types.

3. In table 5 in § 1207.6(b)(3)(ii)(B), the value of CD shown as 30 has been changed to 31 to correct an error in computing the equation the table represents.

4. The minimum height for handrails shown in figure D_2 has been changed from 4 feet to 4±1 feet to be consistent with the text.

Economic Effects of the Standard. Section 9(c) of the Consumer Product Safety Act requires the Commission to consider and make appropriate findings for inclusion in the standard with regard to the approximate number of consumer products, or types or classes thereof, subject to the standard, the need of the public for the consumer products subject to the standard, and the probable effect of the standard upon the utility, cost, or availability of the products to meet the need. In addition, the Commission must consider and make findings for inclusion in the standard concerning any means of achieving the objective of the standard while minimizing adverse effects on competition or disruption or dislocations of manufacturing and other commercial practices consistent with the public health and safety. Some of these economic issues and potential economic effects of proposed requirements were considered during the development of the slide standard by the offeror. A summary is contained in the technical rationale submitted by the offeror (vol. II, section VIIA–7). In addition, the Commission has prepared a study analyzing the economic effects of the proposed standard. A copy of the Commission's economic analysis may be seen in the Office of the Secretary.

The Commission reached the following conclusions as a result of these studies:

A. The swimming pool slide industry, including manufacturing, distribution, and retailing, is a very small part of the total pool and pool accessories industries. The yearly gross revenues of the entire pool slide industry amount to only a tiny percentage of yearly sales of midsized residential pools.

B. The retail price of a swimming pool slide is equivalent to about 5 percent of the price of an average middle-range pool (15 by 30 ft to 20 by 40 ft). Pool slides, as devices enhancing the recreational aspects of a swimming pool, must compete with other pool accessories for a share of the accessories market. On the basis of industry estimates, there are almost three times as many residential pools equipped with diving boards as there are equipped with pool slides.

C. The economic impact of the standard on the direct manufacturing costs of slide producers is expected to be relatively minor. It is doubtful that it will be necessary for any manufacturer of fiberglass slides to build new molds to make the changes occasioned by the standard, and this would be the only major additional manufacturing cost.

D. It is expected that promotional and educational activities will be necessary to stimulate sales growth in the initial poststandard years. The additional costs of these activities will be significant, but are not expected to impose any severe hardships on the industry.

E. The most significant factor affecting the industry in the next 5 years is expected to be a decline in sales from that projected on the basis of growth rates to 1974. A large part of the projected sales decline is attributable to the effects of the recession. Further, part of the decline in 1975 sales is believed to be the result of the reluctance of slide dealers and distributors to build their inventories until the terms of the swimming pool slide standard become known.

F. Although it is difficult to forecast the impact of the standard on slide sales after 1975, it is believed that there will be some initial decrease in consumer demand for the product. The decrease in demand is expected to result from potential consumer resistance to the required warning signs and to recommendations for the placement of certain slides over water depths of 4 feet or more, whereas in the past many of these slides have been placed over water depths of only 3 to 4 feet. This initial resistance is expected to be transitory and should be overcome by increased promotional and educational activities designed to stimulate sales growth.

G. It is estimated that the total loss of slide sales between 1975 and 1980 that may be attributed, directly or indirectly, to the standard will amount to slightly more than 20 percent of the slide sales that might normally have been made during this time if the activities associated with the standard had not taken place. It is anticipated however, that the utility of slides as a recreational device will be increased to the extent that injury or death associated with use of the product is eliminated or reduced as a result of the standard.

H. It is expected that any adverse effects on competition or on manufacturing and other commercial practices resulting from the standard will be relatively minor for the industry as a whole. Any such effects should tend to be confined to the initial poststandard years. To the extent that a company is dependent upon slides rather than other products for its business, however, indirect effects of the standard may result in certain economic hardships, such as an inability to obtain financing for manufacturing operations or investment in new equipment.

Environmental effects of the standard. Prior to publishing the proposed standard, the Commission considered the environmental effects of its action and determined that there was no potentially significant adverse environmental effect associated with the implementing of the proposed standard. The factors leading to this determination have not changed as a result of any changes, additions, or corrections made in the standard as adopted below, and the Commission reaffirms its decision that there is no potentially significant adverse environmental effect associated with the promulgation of the standard. The factors

leading to the original determination were set forth in an environmental assessment of the proposed standard which may be seen in the Office of the Secretary.

Section 9(c) findings. The findings required by section 9(c) of the act have been made by the Commission and are incorporated in §1207.1 below.

Conclusion. Having considered the offeror's submission, the published proposal, the oral and written response to the proposal, and other relevant material, the Commission issues the safety standard for swimming pool slides as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (sec. 9(a), Pub. L. 92–573, 86 Stat. 1215; 15 U.S.C. 2058(a)), a new Part 1207 is added to Title 16, Chapter II, Subchapter B, as follows:

1207.1 Scope, purpose, and findings.
1207.2 Effective date.
1207.3 Definitions.
1207.4 Standards for materials of manufacture.
1207.5 Design.
1207.6 Installation.
1207.7 Intended-use instructions and signs.
1207.8 Slide safety inspection items.
1207.9 Product certification.
1207.10 Handling, storage, and marking.
1207.11 References.
1207.12 Stockpiling.

AUTHORITY: Secs. 2, 7, 9, 14, Pub. L. 92–573, 86 Stat. 1207, 1212, 1215, 1220; (15 U.S.C. 2051, 2056, 2058, 2063).

§ 1207.1 Scope, purpose, and findings.

(a) *Scope and purpose.* This part 1207 sets forth the consumer product safety standard issued by the Consumer Product Safety Commission for the manufacture and construction of slides for use in swimming pools. The requirements of this standard are designed to reduce or eliminate the unreasonable risks of death or injury associated with swimming pool slides. This standard also makes certain recommendations regarding the installation, maintenance, and intended use of swimming pool sildes that supplement its mandatory requirements. All swimming pool slides must meet the performance tests of this standard. This standard is applicable to all swimming pool slides manufactured for sale, offered for sale, distributed in commerce, or imported into the U.S.A. after July 19, 1976. This part 1207.1 also sets forth the findings which the Commission is required to make by Section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)).

(b) *Findings.* (1) The Commission finds that unreasonable risks of death or injury from accidents are associated with swimming pool slides. These risks are (i) quadriplegia and paraplegia resulting from users (primarily adults using the swimming pool slide for the first time) sliding down the slide in a head first position and striking the bottom of the pool, (ii) leg fractures resulting from feet first entry, (iii) impact of sliders with other people in the pool, and (iv) falls from the slide ladder.

(2) The Commission finds that the types or classes of products that are subject to this standard are those swimming pool slides manufactured, constructed, or imported for use in connection with all swimming pools, whether in-ground, onground, or above-ground, regardless of the materials of manufacture or structural characteristics of the slides. It is estimated that 350,000 of these slides are currently in service and that each year the number of slides in use may increase by 5 to 10 percent.

(3) The Commission finds that the public uses swimming pool slides in recreation at both public and private swimming pools, and it is estimated that 75% of these slides are located at residential pools. It is anticipated that public demand for the products will decline slightly for a time following issuance of this standard as a result of consumer awareness of hazards associated with the product caused by the mandatory signs placed on the slides and as a result of recommendations regarding the installation and intended use of the products. The decline in demand is expected to be short-term. I is anticipated that the utility of the slides as a recreational device will be increased to the extent that injury or death associated with the use of the product is eliminated or reduced.

(4) The Commission also finds that manufacturing cost increases as a direct result of this standard and promotional cost increases as an indirect result of this standard are expected to be modest for the industry as a whole. Any resulting increase in the cost of slides to consumers attributable directly or indirectly to the requirements of this standard will be small. No adverse effect on the availability of the product to consumers is expected.

(5) The Commission has considered other means of achieving the objective of the standard, but has found none that would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing and other commercial practices, consistent with the public health and safety.

(6) The Commission also finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with swimming pool slides and that promulgation of the standard is in the public interest.

§ 1207.2 Effective date.

This Part 1207 shall become effective July 19, 1976. All slides manufactured for sale, offered for sale, distributed in commerce, or imported into the U.S. after that date must meet the requirements of this Part 1207.

§ 1207.3 Definitions.

(a) As used in this Part 1207:

(1) "Aboveground pool slide ladder" means a slide ladder that is not anchored in the ground or support deck and that can be removed from the slide or hinged and locked so that unauthorized or unsupervised use of the slide is prevented.

(2) "Abrasion hazard" means a sharp or rough surface of a swimming pool slide that would scrape the skin upon casual contact.

(3) "Assembled product" means all parts, components, and fasteners as defined in and assembled according to the manufacturer's assembly and installation instructions.

(4) "Bracing" means members providing structural support to the assembled, installed slide.

(5) "Casual contact" means contact of any body part with the slide occurring by chance or nonchalant encounters.

(6) "Center of gravity" means the point that represents the mean position of the concentrated mass of a body.

(7) "Curved slide" means a slide whose runway curves out of the vertical plane at any point along the slide path.

(8) "Cutting hazard" means a slide surface that would cut the skin under casual contact.

(9) "Designated waterlines" means the horizontal line through whichever of the following is applicable: (i) The midpoint of the operating range of the skimmers, or (ii) On pools with overflow systems, the height of the overflow rim.

(10) "Edge guards" means shields designed to cover sharp edges on slides.

(11) "Exit lip height" means the height of the slide exit runway lip above the designated waterline.

(12) "Freestanding slide" means a slide designed for aboveground pools that is not fastened to the pool deck or the ground. This slide may have attachments to the aboveground pool to prevent misalignment.

(13) "Friction" means the force tending to reduce the velocity of the slider on the slide.

(14) "Height above water" means the distance from the top of the slide runway to the designated waterline measured along a plumbline.

(15) "Intended use" means behavior on swimming pool slides as disclosed by the manufacturer, as specified in this Part 1207, or to which the slide may be subjected by a reasonable user (including reasonably foreseeable misuse).

(16) "Ladder angle" means the angle of the ladder measured from a plumbline.

(17) "Ladder platform" means a platform built into the slide ladder.

(18) "Operational strength" means the strength of the slide and/or its components after installation according to the manufacturer's instructions.

(19) "Performance test" means a test to measure the functional or structural characteristics of the slide and may include:

(i) Observations and measurements of the slide's functioning in the "intended use" mode, installed according to the manufacturer's installation instructions, and/or

(ii) Observations and measurements of the slide's response to dynamic and static loads.

(20) "Permanently installed" means a slide installed in a concrete or similar support deck from which the slide cannot be removed without damaging the support deck.

(21) "Pinching hazard" means any configuration of slide components that would pinch or entrap the fingers or toes of a child or an adult.

(22) "Puncture hazard" means any slide surface or protrusion that would puncture a child's skin under casual contact.

(23) "Runway" means the surface on which the user slides in the intended use of a slide.

(24) "Runway rail" means a raised edge or guard that keeps the slider on the runway.

(25) "Runway length" means the length of the runway measured along its centerline.

(26) "Slide width" means the width of the slide runway measured between the inside of the left and right runway rails.

(27) "Straight slide" means a slide whose runway curves only in the vertical plane.

(28) "Swimming pool slide" means any device used to enter a swimming pool by sliding down an inclined plane.

(29) "Tamperproof" means that tools are required to alter or remove portions of the slide such as guards, treads, etc.

(30) "Trajectory" means the path of a slider's center of gravity from start to finish.

(31) "Transom" means the transitional area between the slide ladder and the upper slide runway (See Figure Q).

(32) "Tread contact surface" means foot contact surfaces of ladder, step, stair, or ramp.

§ 1207.4 Recommended standards for materials of manufacture.

(a) *General.* The materials used in swimming pool slides should be compatible with man and compatible with the environment in which they are installed. These materials should be capable of fulfilling the design, installation, and intended-use requirements prescribed by §§ 1207.5, 1207.6, and 1207.7.

(b) *Effects of environment.* The choice of materials for swimming pool slides should be such that the operational strength of the entire slide assembly, as defined by the performance tests in §§ 1207.5 and 1207.6, should not be adversely affected by exposure to rain, snow, ice, sunlight, local normal temperature extremes, local normal wind variations, expected local air pollution products, and the mechanical, electrical and chemical environment in and around swimming pools. For purposes of this Part 1207, "local normal" temperature extremes and wind variations are defined as the average annual recorded limits for the past 10 years at any slide installation point in the U.S.A. where such statistical information exists (see reference (a) in § 1207.11).

(c) *Materials selection.* The selection of all materials for swimming pool slides should be such that all surfaces and edges that may come in contact with the user are assembled, arranged, and/or finished (deburred, polished, etc.) so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact and intended use by children or adults.

(d) *Toxicity.* The selection of materials used in swimming pool slides should be such that the assembled and installed product should not be toxic to man or harmful to the environment under intended use and reasonably foreseeable abuse or disposal. All paints and finishes used on swimming pool slides shall comply with 16 CFR 1500.17(a)(6)(i)

(e) *Chemical compatibility.* The selection of materials for swimming pool slides should be such that the assembled and installed product, and the parts, are chemically compatible with the materials and environment contacted under intended use and reasonably foreseeable abuse.

§ 1207.5 Design.

(a) *Strength.* The strength of the assembled and installed swimming pool slide shall be such that no structural failures of any component part shall cause failures of any other component part of the slide as described in the performance tests in paragraphs (d)(4) and (f)(9) of this section.

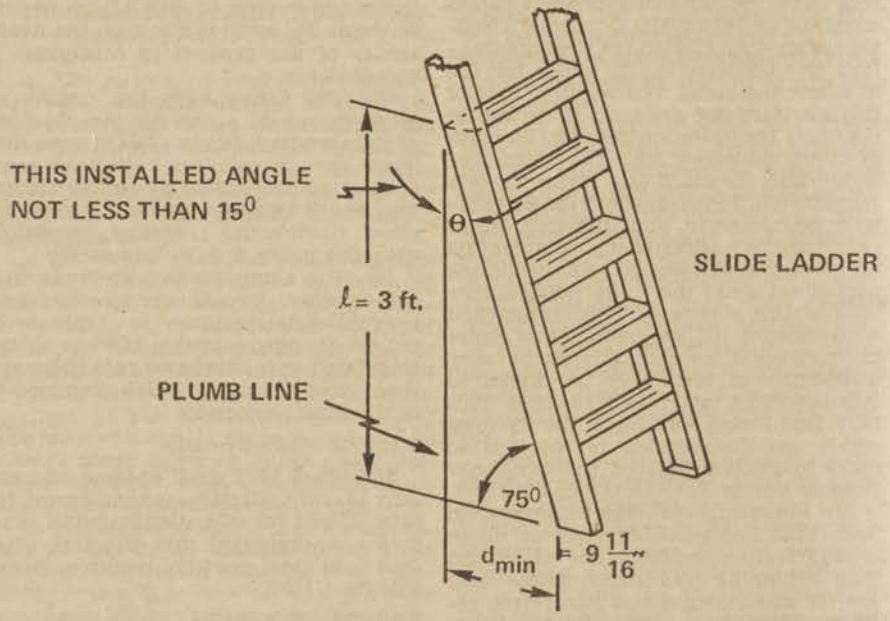
(b) *Edges.* Edges of swimming pool slide runways, ladders, handrails, and deck anchor flanges shall be designed, finished (deburred, polished, etc.), or protected in such a manner as to prevent cutting human tissue on casual contact and intended use. If edge guards are used, they shall be permanently affixed to the structure in a tamper-proof fashion.

(c) *Ladders, steps, stairs, or ramps*—(1) *General.* Swimming pool slide ladders, steps, stairs, or ramps shall have treads, not rungs, if the angle of the incline is 15° or greater from a plumbline.

(2) *Angle.* Swimming pool slide ladders not using rungs shall be designed and installed in such a manner that the user's center of gravity will be approximately positioned directly over each step during the use of the ladder. When tread design ladders are used, the minimum installed angle shall be not less than 15° from a plumbline dropped from a ladder step as shown in figure A. If stairs or ramps are used to ascend to the top of the slide, they shall be designed in accordance with reference (c) of § 1207.11, pages 457–463. (Note: to convert the English system values given in the figures to metric values, the following conversion factors should be used: 1 inch=2.54 cm., 1 foot=30.48 cm., 1 square inch=6.452 sq. cm., 1 lb. (mass)=0.4536 kg., 1 lb. (force)=4.448 newtons, and 1 ft.-lb.=1.356 newton-meters.)

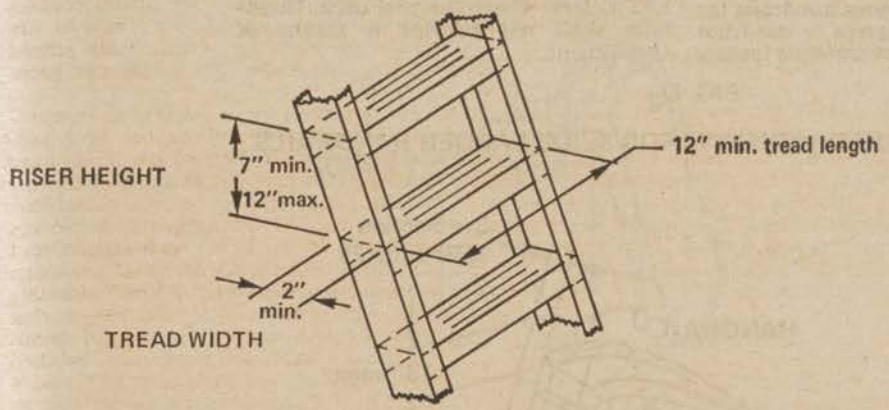
FIG. A

TYPICAL LADDER SLOPE MEASUREMENTS



(3) *Steps*—(i) *Dimensions.* Slide ladder treads may have flat or curved tread surfaces and shall be designed so that they have a minimum tread width of 2 inches (5.08 cm) and a minimum length of 12 inches (30.48 cm) (reference (c) of § 1207.11). The riser height of slide ladder treads shall be no more than 12 inches (30.5 cm) nor less than 7 inches (17.8 cm) and shall be constant over the entire height of the ladder (reference (c) of § 1207.11).

FIG. B
LADDER TREAD DIMENSIONS

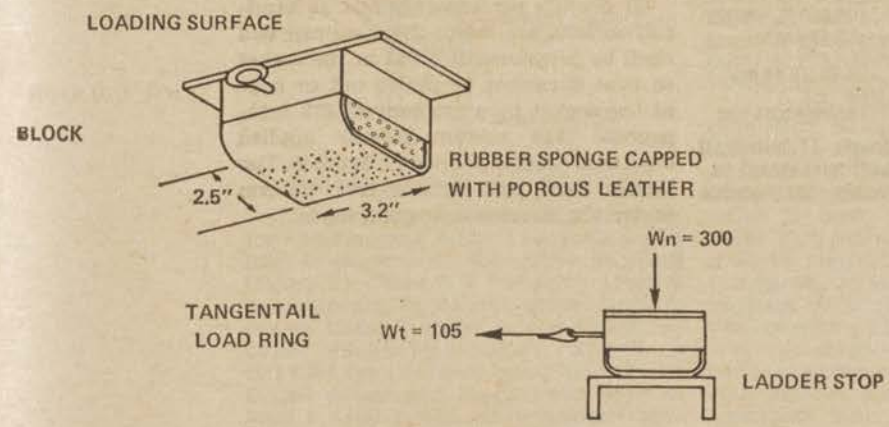


(ii) *Tread curvature.* If slide ladder tread surfaces are curved, they shall not have a radius of curvature less than seven times the tread width.

(iii) *Slip resistant surfaces.* (A) *General.* The tread surface of all swimming pool slide ladders shall have a slip-resistant surface that is either an integral part of or permanently attached to the ladder steps. The performance test is designed to insure that all tread slip-resistant surfaces shall have the ability to maintain a barefooted 50-percentile adult male (reference (d) of § 1207.11) at an angle of repose of 33°±1° without movement with a safety factor of 2.0. The angle of repose is the angle formed by the intersection of the ladder rails and the line connecting the user's feet and center of gravity. The tread and the foot shall be wet for this test.

(B) *Performance test.* A wooden block shall be prepared in accordance with figure C. The contact surface area of the block shall be 8 square inches (51.61 square cm) to simulate the ball of the foot (reference (d) of § 1207.11). It shall be covered with ¼±⅛ inch (.64±.32 cm) of natural or silicone rubber sponge capped with porous soft leather as shown in figure C.

FIG. C
TEST BLOCK FOR SLIP-RESISTANCE MEASUREMENTS OF SLIDE LADDER TREADS



The tests shall be carried out on a slide assembled and installed according to the manufacturer's instructions. The block shall be soaked in pool water for at least 3 minutes and placed at the midpoint of the wet step with the centroid of load of the block on the longitudinal axis of the step. The block shall be loaded symmetrically on its upper bearing surface with a weight of 300±2 pounds (136.1±.9 kg). A controlled and measured force shall be applied at the tangential load ring of the block tangent to the horizontal and increased at a rate of no more than 20 pounds (88.96 newtons) per second. If the block does not move at the point that the tangential load is equal to 105 pounds (467.1 newtons), the tread surface passes this performance test. Other force-creating means that produce equal forces on the block (300±2 lbs, 1334 newtons) may be substituted for weights if they result in substantially identical slip resistance measurements.

(iv) *Fastener requirements.* Ladder treads shall be attached to the ladder rails in such a manner that continued intended use or reasonably foreseeable abuse shall not cause any fastener to loosen, crack or break. All attachment methods that are used to hold the ladder tread to the ladder rails shall be permanent and tamperproof. If fasteners are used for the tread-rail attachment, the number and placement of such fasteners shall not cause a failure of the tread under the ladder loading conditions specified in this paragraph (c)(3).

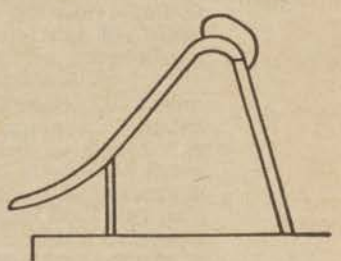
(v) *Aboveground pool ladders.* Aboveground pool slides equipped with swing-up ladders shall be designed so that the ladders may be fixed in the up position by a tamperproof lock.

(vi) *Ladder platforms.* Swimming pool slides whose height above the surface upon which the slide is mounted is greater than 7.5 feet (2.29 meters) shall have a platform built into the ladder. This platform shall be located at least 6 feet (1.83 meters) above the deck and shall have minimum dimensions of 12 by 12 inches (30.48×30.48 cm). The floor of the platform shall have a slip-resistant surface whose performance exceeds the requirements of the tests specified in paragraph (c)(3)(iii)(B) of this section. A minimum dimension of two times the riser height shall be maintained from the platform to the top of the slide runway. Transitional handrails shall be provided when a platform is used.

(vii) *Static load performance test.* Ladder treads or rungs shall be capable of supporting a 300-pound (1334-newtons) static load in the center without failure or permanent deformation.

(d) *Handrails.* Swimming pool slide ladders shall be equipped with handrails to aid the slider in safety making the transition to the runway. The handrails shall extend no more than 18 inches (45.72 cm) above the top of the slide runway platform (see figure D_1).

FIG. D_1
TYPICAL TRANSITION HANDRAIL

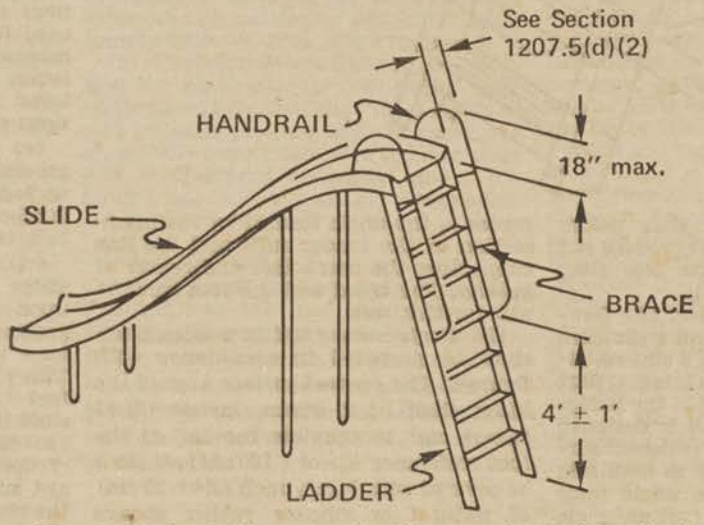


(1) *Size.* The outside diameter of handrails shall be between 1.00 and 1.90 inches (2.54 and 4.83 cm) (references (c) and (d) of § 1207.11).

(2) *Extent of handrails (maximum angle ladder).* (i) If ladder handrails for a ladder inclined 15 degrees or less from the vertical extend below the slide transition area, they shall be parallel to the ladder rails at a perpendicular distance of 4 to 6 inches (10.16 to 15.24 cm) from the ladder rails (see figure D_2). The handrails shall begin 3 to 5 feet (.91 to 1.52 meters) above the pool deck. Handrails shall not provide a means of entrapment.

FIG. D_2

MAXIMUM/MINIMUM DIMENSIONS FOR SLIDE LADDER HANDRAILS



(ii) *Extent of handrails for ladders, steps, stairs, or ramps.* For slides not using the minimum angle ladder (15 degrees or less from the vertical), the distance "*l*" in figure D_2 shall be as shown in table 1.

Table 1.—Variations of *l*

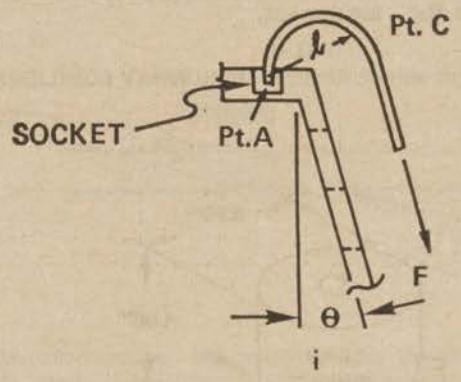
	l
Ladders: $15° < \theta < 40°$	$l = (34.09\theta_{rad} - 3.86) \pm 1''$ $= (86.59\theta_{rad} - 9.80) \pm 2.54$ cm
Stairs: $40° < \theta < 70°$	$l = 34'' \pm 1''$ $= 86.36 \pm 2.54$ cm
Ramps: $\theta < 70°$	$l = 42'' \pm 1''$ $= 106.68 \pm 2.54$ cm

(3) *Bracing of handrails.* If handrail braces are used, they shall withstand intended use and reasonably foreseeable abuse.

(4) *Attachment and strength of handrails.* Handrails and their fasteners shall withstand allowable shear, bending, and cyclical loading in intended use and reasonably foreseeable abuse. All fasteners for handrail connections shall be vibrationproof, selflocking, and tamperproof. Threaded fasteners shall be capable of withstanding a 1-foot-pound (1.356 newton-meters) back-off torque.

(i) *Sockets performance test.* If handrail sockets are used, the handrail end shall be permanently fixed in the socket so that it cannot be pulled out or bent at the socket by a moment of 233 foot-pounds (316 newton-meters) applied clockwise around point A in figure E. The socket shall not permanently deform under the maximum applied loads.

FIG. E
APPLICATION OF HANDRAIL MOMENTS

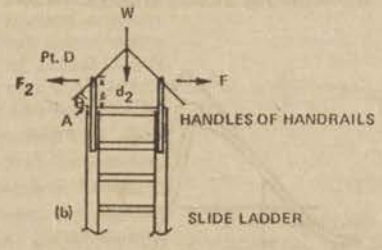


MOMENT = FORCE x DISTANCE = f x ℓ = 233 ft. lbs.

WHERE : Pt. C IS TAKEN AT THE MAXIMUM MOMENT ARM " ℓ " FROM Pt. A.

(ii) *Side forces.* If the handrail is in a socket or attached to the side of the slide runway rail, the attachment methods must be capable of withstanding all shear and bending forces induced by a 172-foot-pounds (233.2 newton-meters) moment counterclockwise around point A in figure F.

FIG. F
APPLICATION OF HANDRAILS MOMENTS TRANSITION



MOMEMT = F_2 x d_2 = FORCE x DISTANCE = 172 ft. lbs.

(iii) *Performance tests*—(A) *Strength for climbing and falls.* (1) Attach a pull loop to point C of the upper handrail (figure E). Point C is the point where a perpendicular to the axis of the handrail passes through point A, the socket, or other attachment point. Attach a stranded steel cable or wire rope to point C. All cables and ropes shall have at least a 1,000-pound (4448-newton) tensile capacity. Attach a 162-pound (73.5 kg) weight to this cable at least 4 feet (1.22 meters) below point C. Observe any permanent deformation or bending on the handrail at point A. If none exists, the handrail passes this performance test.

(2) Lift the weight one foot (30.48 cm) from its maximum static position and drop it. Observe any permanent deformation of the handrail or its attachments at point A. If each handrail will still support the 162-pound (73.5 kg) weight for a period of 15 minutes and has not been bent more than 45° from its original direction, it passes this performance test.

(B) *Transition handrail strength.* Rotate the assembled slide into the horizontal position on its side on a loading dock or other platform. Move the slide into such a position that the entire handrail assembly overhangs the platform and level the slide. Fasten the slide firmly in this position and attach a 115-pound (52.2 kg) weight to point D, as shown in figure F, and check for any visible permanent deformation of the handrail at point A. If none exists, the handrails pass this performance test.

(e) *Lubrication.* Swimming pool slides shall either be equipped with a method of lubrication (for example, water) or have a similar coefficient of friction so that the slider has a smooth, continuous slide. If water is used, the nozzles, piping, or hoses that deliver water to the runway shall be recessed or designed in such a fashion as not to interfere with a slider's progress down the slide or create tripping hazards on the slide.

(f) *Runways*—(1) *Curvature.* Slide runway curvature between the front and rear support legs of the slide shall be consistent with maintaining the slider safely on the slide during intended use and reasonably foreseeable abuse.

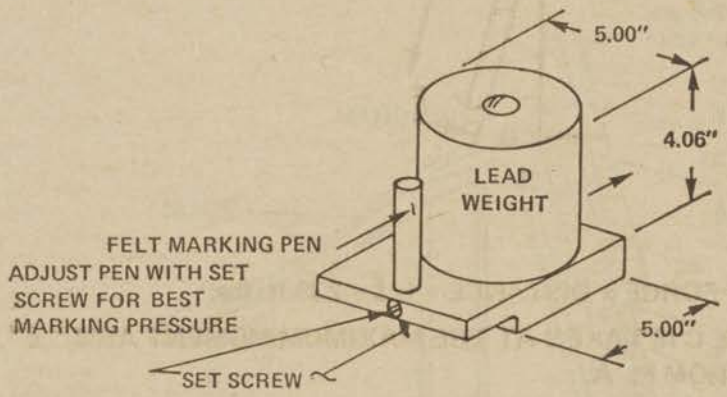
(2) *Dynamic equilibrium.* (i) Swimming pool slide runways, whether straight or curved, shall be designed as "balanced curves." On a balanced curve, the test fixture discussed in paragraph (f) (2) (ii) of this section shall stay on a trajectory that keeps it within a distance of ±41 percent of the runway width to

the runway centerline at all points along the runway without contacting the runway rails.

(ii) *Performance test*—(A) *Direct measurement.* Build a wooden pallet no larger than 5 by 5 inches (12.7 x 12.7 cm), as shown in figure G. Securely attach a lead rod or bar on the pallet. Size the bar so that the weight-to-area ratio of the assembly is 1.30±0.05 lbs./sq. in. (8960±340 newtons/sq. meter) and the pallet does not tip over when in motion. Attach a felt pen or other suitable marking device to the pallet assembly as shown in figure G to mark the slide during descent.

FIG. G

ASSEMBLY FOR MEASUREMENT OF RUNWAY EQUILIBRIUM



(B) *Test.* Lubricate the slide in accordance with the manufacturer's instructions. Center the pallet at the top of the slide runway and release. Observe the pallet's descent and note if it touches the slide's side rails. If it touches, check alignment and installation again. With water off and the slide dry, center the pallet at the top of the runway and release. Measure the distance from the felt pen marked line to the centerline of the runway. If within ±41 percent of the width measured from the centerline along the entire path and if the pallet does not contact the runway rails, the slide is dynamically balanced and passes this performance test.

(3) *Runway side rails.* Swimming pool slide runways shall have permanent runway side rails of at least 2 inches (5.08 cm) height to prevent lateral discharge of the slider off the slide under intended use and reasonably foreseeable abuse.

(4) *Runway side-rail heights.* Runway side-rail heights shall be designed as a function of the maximum slide-slope angle (as shown in figure H). Table 2 that follows shows side-rail height versus maximum slide-slope angle. If the maximum slide-slope angle is not shown in table 2, the next higher side-rail height must be used. Maximum slide-slope angles shall not exceed 75°. (See figure H).

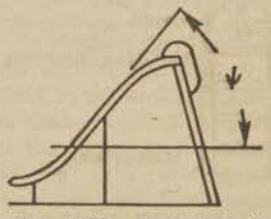
TABLE 2

Ψ = Maximum slide-slope angle:

	Runway side-rail height inches (centimeters)
<60°	2 (5.08)
60–70°	3 (7.62)
70–75°	3½ (8.89)

FIG. H

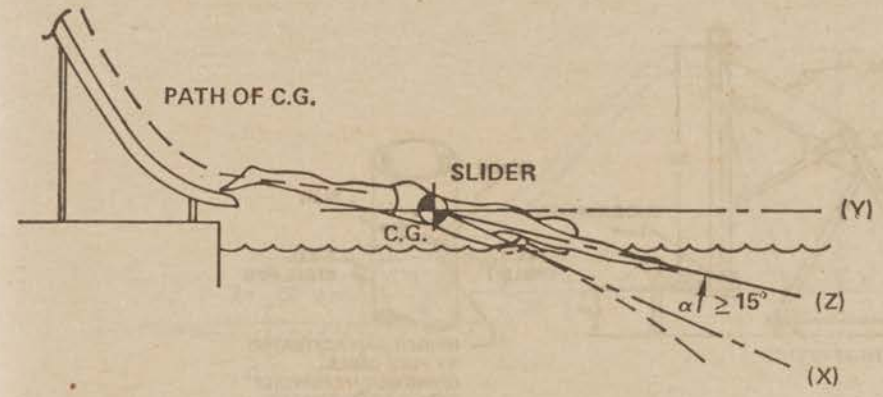
MAXIMUM SLIDE SLOPE ANGLE "Ψ"



(5) *Slide geometry.* Swimming pool slide runways shall have a smooth transition section and have geometry such that the path of the center of gravity of the slider is no more than ±10° from the horizontal at the center of gravity's exit off the slide and such that the slider's angle of attack (α), shown in figure I and defined below, shall be at least +15° when the slider's feet leave the slide. (See figure I.)

FIG. I

MEASUREMENT OF ANGLE OF ATTACK



(i) *Performance tests.* Measurement of the 50th-percentile adult male (71±2 inches and 162±5 pounds, 180.34±5.08 cm and 73.5±2.3 kg)[1] slider's angle of attack shall be made using any of the following methods or their equivalent:

(A) Motion picture cameras (36 frames per second or more).

(B) Still cameras with strobe lights and reflectors on the head and hip of the slider.

(C) Still cameras with rotating shutters and lights on the head and hip of the slider.

(D) Video tape recorder.

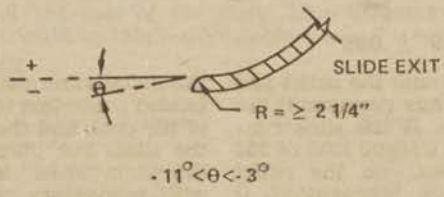
(ii) Measurements shall be made from the still water level as the horizontal. The path angle shall be determined by measuring the angle between a tangent to the path of the center of gravity (line X) and the horizontal taken through the center of gravity (line Y). At least five consecutive runs with the same subject shall be made in order that an average may be computed.[2] Angle of attack shall be taken as the angle between the slider's longitudinal axis (Z) and the tangent to the path of his center of gravity (X). The slider's longitudinal axis shall be located by the vertical line that passes through his center of gravity when he stands erect. The slider shall wear usual swimming attire. The angle-of-attack measurement shall be made after the slider's feet have cleared the slide, the distance between the end of the slide and his feet being less than 8 inches (20.3 cm). The slider's descent must be headfirst, prone, belly-down, and with arms extended in front. Except when starting, the slider shall not augment the slide trip by forcibly reacting with the slide through the use of his hands, arms, feet, and/or legs. The slider's starting reactions with the slide shall be only as strong as necessary to start him moving. If the average angle of attack measured and computed in the above manner is equal to or greater than +15°, the slide passes this performance test.

(6) *Runway exit lips.* All runway exit lips of swimming pool slides shall be smoothly faired into the runway surface with a radius of curvature at the exit lip of the slide of at least 2¼ inches (5.72 cm) (see figure J).

(7) *Runway exit vertical angle.* The angle of the runway at exit of the slide (Θ) shall be −3 to −11 degrees from the horizontal as shown in figure J.

FIG. J

RUNWAY EXIT ANGLE Θ



(8) (i) *Runway exit ramp lateral curvature and exit lip horizontal angle.* No net lateral forces on the slider shall exist in that portion of the runway exit ramp beyond the forward support points of the slide. All slides shall be designed and constructed so that the exit lip of the slide is level at all points along the width of the runway at the runway exit lip line drawn at the point where the lip curvature shown in figure J is tangent to the runway. The slide shall be designed so that any side forces on the user induced by prior lateral curvature will be reduced to zero upon exit from the slide runway.

(ii) *Performance tests.* Those tests described in paragraph (f)(2)(ii) of this section are also applicable to paragraph (f)(8) of this section, and the path of the test fixture must be parallel to the centerline of the slide at the exit lip (within 5°) and not touching the side rails of the runway.

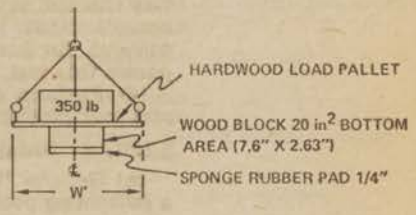
(9) *Strength of slide runways and supports*—(i) *Static loads.* A properly assembled and installed slide runway shall be capable of supporting a static load of at least 350 pounds (1557 newtons) applied normal to the runway over an area of no more than 20 square inches (129.03 square cm) at any point along its length or width.

(ii) *Dynamic loading.* Properly assembled and installed slide runways shall be capable of supporting, without structural failure except as defined in paragraph (f)(9)(iii)(B)(3) of this section, a dynamic load of at least 450 foot-pounds (610.2 newton-meters) dropped on an area of 20 square inches (129.03 square cm) at the midpoints of the upper runway platform and the lower runway exit ramp.

(iii) *Performance tests*—(A) *Static loads.* Assemble and install a slide according to the manufacturer's instructions. Prepare a 20-square-inch (129.03 square cm) load-bearing pallet according to figure K. Place the loaded pallet on the upper slide platform, positioned between the runway rails, until the scale on the hoist line reads between 0 and 10 pounds (0 and 44.48-newtons). Keep the pallet in this position for 10 minutes. Remove the loaded pallet and observe the runway for any significant structural failure such as permanent deformations or cracks. If there are none, the slide passes the test. Repeat the same test on the lower runway exit ramp.

FIG. K

STATIC LOAD TEST FOR SLIDE BED



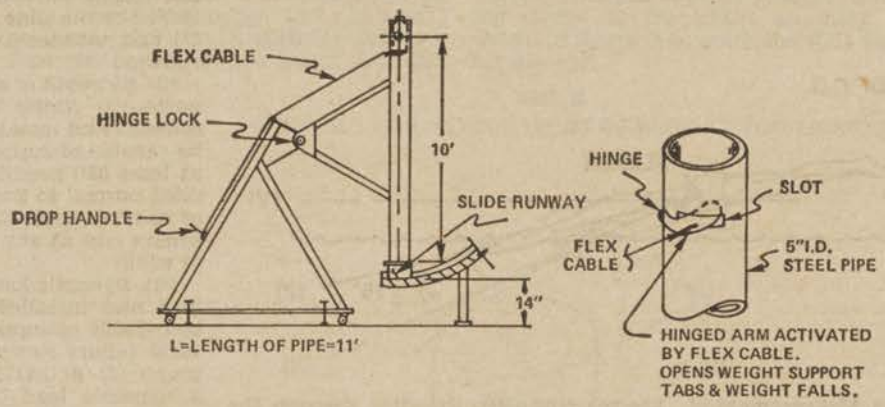
w' = WIDTH OF SLIDE RUNWAY MINUS 1/4"

(B) *Dynamic loads.* (1) Assemble and install a slide according to the manufacturer's instructions. Use the hardwood load pallet shown in figure K and set it up under dynamic load guides fabricated as shown in figure L, or an equivalent impact-testing machine.

[1] See reference (f) of § 1207.11 for full discussion.

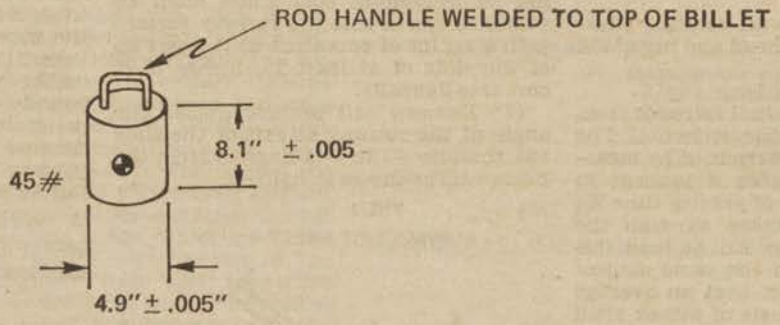
[2] Maximum measurement variation of ±15 percent.

FIG. L
DYNAMIC LOAD TEST



(2) Fabricate a 45-pound (20.4 kg) billet of 4.900±0.005-inch (12.45±.01 cm) steel rod as shown in figure M, or equivalent, and load into the pipe above the trigger slot. The length of the pipe from the trigger slot to the impact pallet shall be 10.04±0.1 feet (3.05 meters± 3.05 cm).

FIG. M
TYPICAL BILLET FOR IMPACT TESTING



(3) Drop the billet onto the pallet and observe the slide for any permanent deformations or cracks. If the slide runway can still support a static load of 350 pounds (1557 newtons) on the pallet without further crack propagation, it passes this test.

(4) Perform the test on the entrance and exit platforms of the slide runway.

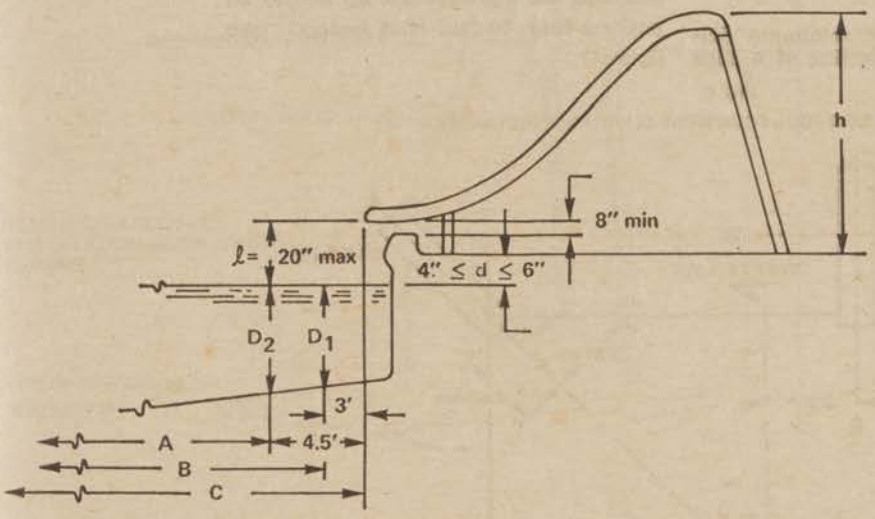
§ 1207.6 Installation.

(a) *General.* The proper installation of a swimming pool slide concerning its position around the pool, its position relative to the other pool equipment, and its attachment to the deck is of great importance to the safety of the user. The position of the slide installation around the periphery of any pool should be selected on the basis of the water depth, the slope of the pool wall and floor at the installation point and along the extended centerline of the slide, the width of the pool, and the height and shape of the slide. For purposes of this section, the term "shall" is used in connection with mandatory requirements and the term "should" is used in connection with recommendations for increased safety.

(b) *Placement dimensions*—(1) *Anchoring.* All slides for inground pools should be permanently anchored in accordance with the manufacturer's installation instructions. All slides for aboveground pools should be fixed in a manner that prevents movement of the slide exit lip away from the edge of the aboveground pool.

(2) *Critical dimensions.* The critical dimensions of the slide and its placement are shown in figure N.

FIG. N
SLIDE PLACEMENT DIMENSIONS



(i) *Slide height.* In figure N and table 4, dimension "*h*" should be the height of the slide above the deck or ground on which the slide rests. For above ground pools, "*h*" is the height of the slide above the water surface of the pool.

(ii) *Maintenance of minimum depth of water.* For all slides, except those described in paragraph (b) (2) (iv) (B) of this section, the dimension "*A*" is the recommended distance that the minimum depth of water "D_2" should be maintained. "*A*" is measured along the extended centerline of the slide starting 4.5 feet (1.37 meters) from its exit lip (as shown in figure N). This minimum distance should be taken from table 3 below. For those slides described in paragraph (b) (2) (iv) (B) of this section, the dimension "*B*" is the recommended distance that the minimum depth of water "D_1" should be maintained. "*B*" is measured along the extended certerline of the slide starting 3 feet (.91 meter) from its exit lip.

For slides higher than 15 feet (4.57 meters), use the equations listed in Table 3 for the design of distance "*A*".

(iii) *Maintenance of minimum distance of water in front of slide.* Dimension "*C*" is the minimum distance of water that should be maintained in front of the exit of the slide. This distance should be taken from table 3.

Table 3

h feet	Meters	*A* feet	meters	*B* feet	Meters	*C* feet	Meters
3	0.91			5	1.52	8	2.44
4	1.22			6	1.83	9	2.74
5	1.52			7	2.13	10	3.05
6	1.83			7	2.13	10.5	3.20
6.5	1.98			8	2.44	11	3.35
7	2.13	8.5	2.59			13	3.96
9	2.74	8.5	2.59			13.5	4.11
10	3.05	8.5	2.59			14	4.27
15	4.57	9	2.74			15	4.57

$$A=\sqrt{X^2-D_2^2} \quad \text{(feet or meters)} \qquad \text{(I)}$$

$$C=0.90X+4.5 \text{ (feet) or } C_m=0.9X_m+1.37 \quad \text{(meters)} \qquad \text{(II)}$$

$$X=\frac{\text{Ln } (7.22\sqrt{h+d})-1.386}{0.169} \quad \text{(feet)} \qquad \text{(III)}$$

$$X_m=\frac{(0.305)\text{ Ln } (13.08\sqrt{h_m+d_m})-1.386}{0.169} \quad \text{(meters)}$$

See table 4 for values of D_2.

(iv) *Depth of water*—(A) *For depths below 3 feet (.91 meters).* No slides should be installed at a depth "D_1" less than 3 feet (.91 meters).

(B) *For depths from 3 to 4 feet (.91 to 1.22 meters).* Installation of slides should be allowed at these depths only if they meet the following:

(*1*) Slides are restricted to use only by children under 13 years of age and are permanently so marked according to § 1207.7.

(*2*) Slides have all other appropriate safety signs, as specified by § 1207.7, permanently attached.

(*3*) Slides are no higher than $h=6.5$ feet (2.0 meters) (see figure N).

(C) *Unrestricted slides.* All slides installed over 4 feet or more of water (1.22 meters) shall be equipped with a ladder chain or other suitable device to keep unsupervised children off the slide. Minimum recommended installation depths "D_2" of all slides not covered by the requirements of paragraph (b) (2) (iv) (A) and (B) of this section shall be obtained from table 4.

TABLE 4.—*Minimum installation depths D, of unrestricted slides*

Height in *h* feet	Meters	Minimum depth at D_2 feet	Meters
7.5 or less	2.29	4	1.22
7.5 plus to 8	2.44	5	1.52
8 plus to 11	3.35	5.5	1.68
11 plus to 15	4.57	6	1.83
15 plus to 20	6.10	7	2.13

NOTE.—For heights above 20 ft (6.1 m), minimum installation depths should be computed from the following equation:

$$D_2=1.52\sqrt{h+1.67},$$

where D_2 and h are in feet; or

$$D_{2m}=0.839\sqrt{h_m+0.509},$$

where D_{2m} and h are in meters.

(3) *Position of slide at edge of pool*—(i) *Water run-off.* Slides should be positioned at the edge of the pool so that any and all water flowing off the end of the slide runway drops into the pool.

(ii) *Clearance between slides and between slides and diving boards.* (A) Slides should be positioned so that the centerline of the slide does not intersect the centerline of any diving board for a minimum distance of 7 feet (2.13 meters) from point "*A*" shown in figure 0. If two slides are used in the same pool, the minimum distance between their exits "*CD*", as measured along their extended center lines, should be computed from the following equation:

$$CD=0.3(h_1+h_2)+22 \quad \text{(feet)}$$

where

h_1=height of slide 1.
h_2=height of slide 2.
CD=The recommended distance between their exits.

or

$$CD_m=0.3(h_{1_m}+h_{2_m})+6.71 \text{ (meters)}$$

(B) Table 5 shows representative values from the equation in paragraph (b) (3) (ii) (A) of this section:

Table 5

(h_1+h_2) feet (meters):	CD *feet (meters)*
10 (3.05)	25 (7.62)
15 (4.57)	27 (8.23)
20 (6.10)	28 (8.53)
30 (9.14)	31 (9.45)

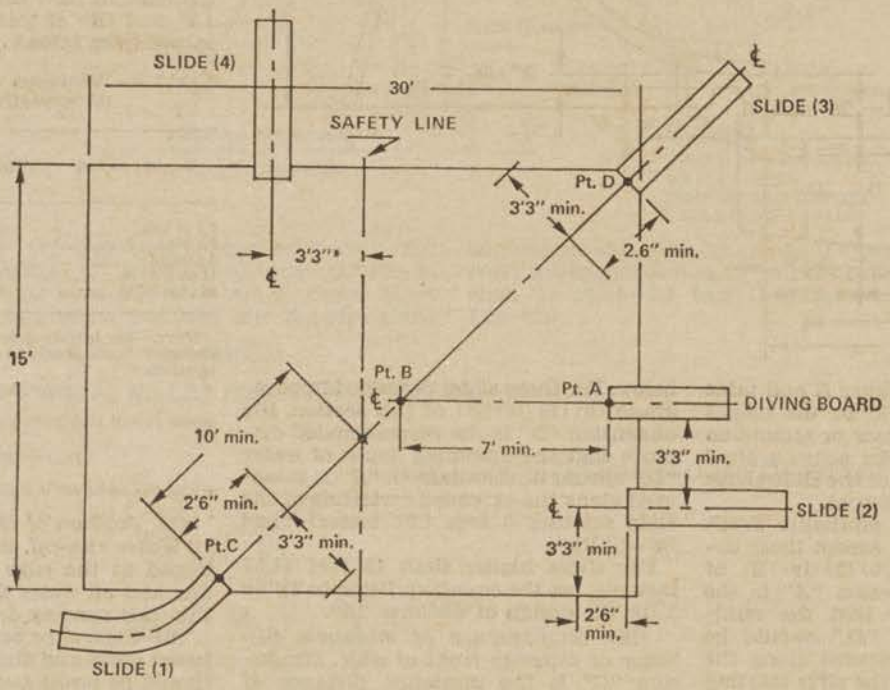
(iii) *Clearance distances.* Slides should be positioned so that the slider cannot hit the pool edge, copings, diving boards, safety line, or other equipment with arms extended in any sliding position.

(A) *Pool walls and diving boards.* The minimum distance from the centerline of the slide runway to the edge of the pool or to a diving board should be 3¼ feet (.99 meters) at a point at least 2½ feet (.76 meters) from the end of the slide.

(B) *Safety line.* The minimum distance between the centerline of a slide and safety line when they are parallel should be not less than 3¼ feet (.99 meters). The intersecting distance along the centerline of the slide between a safety line and the runway exit lip should be not less than 10 feet (3.05 meters). (see figure O.)

FIG. O

TYPICAL IN-GROUND POOL EQUIPMENT CLEARANCE DISTANCES



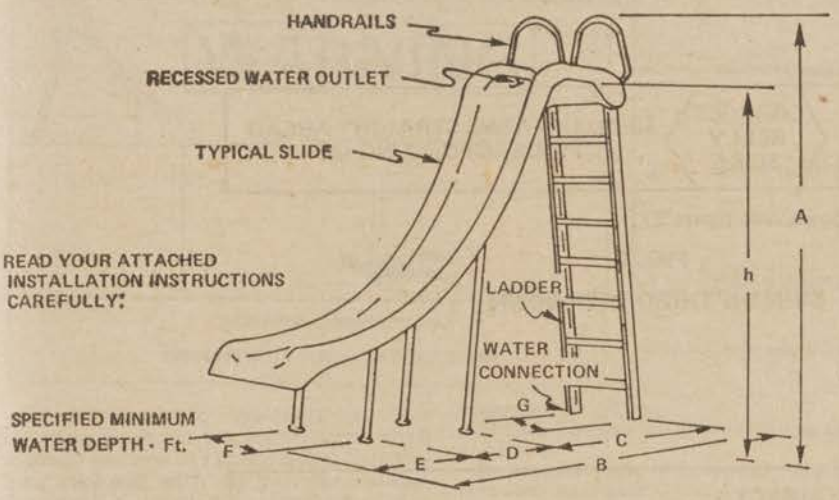
*IF SLIDE IS PREDOMINANTLY USED BY CHILDREN UNDER 13, THIS DISTANCE CAN BE REDUCED TO 2'3"

(C) *Copings.* The minimum height of the slide above the deck and coping to prevent striking the hands should be 8 inches (20.3 cm). A plumbline dropped from either edge of the slide runway exit should not intersect any portion of the pool deck or coping.

(c) (1) *Installation instructions.* Swimming pool slides shall be delivered to the user-installer with a set of detailed installation instructions, a complete parts list, and a simple schematic assembly diagram showing the slide in its assembled configuration and the position and dimensions of all major parts. The installation instructions shall include the data and illustrations specified in this § 1207.6 and shall give specific instructions to the installer and owner on the intended use of the slide as prescribed by § 1207.7. A typical illustration for inclusion in installation instructions is shown in figure P.

FIG. P

TYPICAL ILLUSTRATION FOR INSTALLATION INSTRUCTIONS



WHERE A = HEIGHT TO TOP OF TRANSITION HANDRAILS FROM DECK

h = HEIGHT TO TOP OF SLIDE RUNWAY PLATFORM FROM DECK

B = LENGTH FROM EXIT LIP OF SLIDE TO BASE OF LADDER

C = LENGTH FROM BASE OF LADDER TO LONG SUPPORT LEGS

D = LENGTH BETWEEN LONG AND SHORT SUPPORT LEGS

E = LENGTH FROM SHORT SUPPORT LEG TO LIP OF SLIDE

F = WIDTH BETWEEN SUPPORT LEGS

G = WIDTH BETWEEN LADDER RAILS

ALL DIMENSIONS SHALL BE TAKEN BETWEEN THE CENTERLINES OF SLIDE COMPONENTS WHERE POSSIBLE.

IF DIMENSIONS ARE NECESSARY OTHER THAN THOSE SHOWN ABOVE THEY SHALL BE SHOWN DIRECTLY ON THE DIAGRAM.

(2) *Parts list.* The parts list shall be printed directly on the slide installation instructions and shall give the quantity, size, and description of each part, including its identification or reorder number if appropriate.

(3) *Slide minimum installation depth.* The installation instructions for swimming pool slides shall include in a prominent place on the slide sketch (as shown in figure P) the specified minimum installation depth for the particular slide specified in paragraph (b) (2) (iii) and (iv) of this section.

(4) *Slide position installation.* The installation instructions for swimming pool slides shall include in a prominent place on the front or rear of the instruction sheet a reproduction of figures N and O and a summary of the information in paragraph (b) (2) (iv) of this section.

(5) *Special instructions.* The installation instructions sheet for swimming pool slides shall include the substance of the following special instructions:

(i) Choose the slide position carefully according to the depth guide (see paragraph (b) (2) (iv) of this section) and the location guide (see paragraph (b) (3) of this section).

(ii) Set the exit of the slide no more than 20 inches (50.8 cm) over the water and no lower than 8 inches (20.3 cm) off the pool deck and coping.

(iii) Inform the customer of the intended use and maintenance of the slide at the time of installation (see § 1207.7 for intended-use instructions).

(6) *Inspections.* The slide owner, manager, or custodian should inspect or have the slide inspected at least once a year by a qualified installer or professional.

(7) *Electrical bonding instructions.* Slides shall be bonded in accordance with Article No. 680 of the 1975 Edition of the National Electrical Code, entitled "Swimming Pools, Fountains and Similar Installations," published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210 (NFPA No. 70–1975).

(8) *Intended-use instructions.* Intended-use instructions shall be made an integral part of the installation instructions included with the packaged product (see § 1207.7).

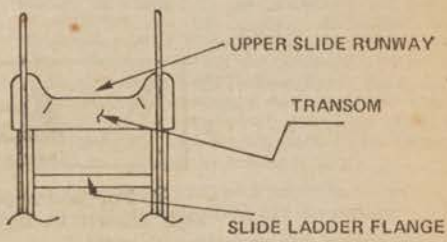
§ 1207.7 Intended-use instructions and signs.

The intended-use instructions and signs (slide ladder tread signs and transom signs) shall be included with the packaged slide in order to educate and warn each slider as to proper and safe behavior on swimming pool slides.

(a) *Position of signs.* Slide ladder tread signs (Figures R, S and T) shall be placed on the flange of the slide ladder tread. Transom signs (Figures U and V) shall be placed on or adjacent to the transom facing the user in a manner that will not interfere with the use of the ladder or slide and in the line of sight of a person ascending the ladder.

FIG. Q

SIGN POSITIONS



(b) *Size of signs.* Slide ladder tread signs shall be not less than 12 inches by 1 inch (30.48 x 2.54 cm) and transom signs not less than 5 inches by 10 inches (12.7 x 25.4 cm). The lettering shall be not less than ¼ inch (.64 cm) in height.

(c) *Attachment of signs.* Intended-use instruction signs shall be permanent and tamperproof. Intended-use slide ladder tread signs shall be attached to ladders by the manufacturer of new slides. The appropriate transom signs shall be attached in a permanent and tamperproof manner by the assembler of the slide, if not previously attached.

(d) *Color of signs.* (1) Slide ladder tread signs shall have high contrast lettering and backgrounds. The following are examples of acceptable practice:

Color of lettering and pictures:	*Background*
Black	Yellow or white.
Red	White.
Green	Do.

(2) Transom signs shall be colored in accordance with Figures U and V.

(e) *Retrofit.* Intended-use instructions signs should be manufactured so that they can be retrofitted on slides already sold by the manufacturer. This provision, however, is not intended to restrict the ability of manufacturers to mold signs onto swimming pool slides.

(f) *Content of signs.* (1) On the top step (see figure R):

FIG. R

SIGN ON TOP STEP

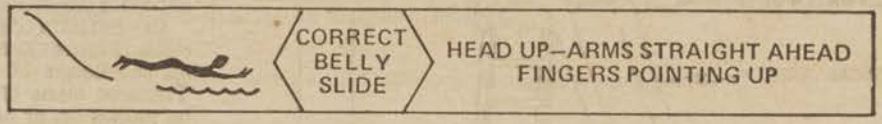
• LOOK OUT FOR PEOPLE AND OBJECTS BELOW •

• ONE PERSON ONLY •

(2) On the second step down (see figure S):

FIG. S

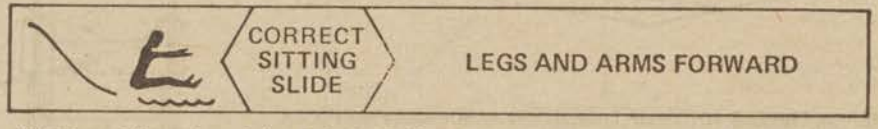
SIGN ON SECOND STEP DOWN



(3) On the third step down (see figure T):

FIG. T

SIGN ON THIRD STEP DOWN



(4) For slides placed in 4 feet (1.22 meters) or less of water, the transom sign shown in figure U shall be used.

FIG. U

SIGN ON TRANSOM FOR SLIDES PLACED IN WATER LESS THAN 4 FT. DEEP



(5) For slides placed in 4 feet (1.22 meters) or more of water, the transom sign shown in figure V shall be used.

FIG. V

SIGN ON TRANSOM FOR SLIDES PLACED IN 4 FT. OF WATER OR DEEPER



(g) *Intended-use instructions.* The following intended-use instructions shall be made part of the installation instructions enclosed with all packaged slides. They shall be printed or attached so that they cannot become separated from the main installation instruction sheet.

INSTRUCTIONS FOR THE INTENDED USE OF YOUR SLIDE

Your slide has been manufactured according to safety standards approved by the U.S. Consumer Product Safety Commission. It is important that the slide be installed according to the recommendations of these standards (§ 1207.7 of Title 16, Code of Federal Regulations) in order to reduce the possible risk of injury in connection with your slide. Installed and used properly, the slide will give you and your family, friends, and guests many hours of enjoyment. Like any other piece of recreational equipment, however, this slide can be misused in such a way as to cause injury, even serious and disabling injury. As the owner of a swimming pool slide, it is your responsibility to:

Read and follow the simple safety rules below.

Make sure that everyone who uses the slide knows these rules.

Enforce these rules.

1. Only one person allowed on the slide at any time.

2. Roughhousing or horseplay on the slide is strictly forbidden.

3. Do not use the slide as a diving platform. The slide is made for sliding—not for diving.

4. Before sliding, always be sure that the slide is properly lubricated in accordance with the manufacturer's instructions.

5. Only two kinds of slides—sitting slides and belly slides—are allowed.

FIG. W

SLIDING IN A SITTING POSITION



In sitting slides, face forward on the slide holding the legs and arms forward with the palms of your hands forward and titled up.

FIG. X

SLIDING HEAD FIRST



In belly slides, slide headfirst on your stomach with your head up and arms straight ahead with your fingers pointing up. Do not drop your head or arms on entering the water.

6. Take your time in preparing to slide. Move forward slowly and get yourself positioned properly before starting your slide.

7. Look out for people or objects in the pool along the path of the slide.

8. Handicapped persons should use caution and may require supervision.

9. Young children and nonswimmers should be supervised at all times.

10. Do not use the slide if any part of it becomes damaged, weakened, or broken. Don't take chances. Have the slide inspected and repaired by a competent professional who is familiar with slides before using it again.

11. Teenagers and adults should not use slides placed in less than 4 feet of water. Serious injury can be incurred by striking the bottom.

IMPORTANT

In order for a person to minimize the possibility of injury if "belly slides" are performed, it is necessary that the user know how the most serious injuries, including paralysis, occur. When a person comes down in a "belly slide", if the arms, hand, and head are not held up in the proper position, the impact with the water can cause a violent downward flipping motion of the forward part of the body, which may cause the top or rear of the head to hit the pool bottom before the user can act to prevent impact. For this reason, it is essential that the proper technique for belly slides be observed, if they are performed at all. Please explain the nature of this danger to all persons who may use your slide, since they may not otherwise appreciate the necessity of keeping the arms, hands, and head up.

§ 1207.8 Slide safety inspection items.

The following tests and observations should be carried out to assess the safety of swimming pool slides. These inspection items shall be part of the installation instructions, as follows:

INSTALLATION

All swimming pool slides should be installed according to specifications set forth in § 1207.6 of the "Safety Standard for Swimming Pool Slides" issued by the Consumer Product Safety Commission (Title 16, Code of Federal Regulations, Part 1207). Any measurements necessary to determine compliance can be made with a bubble level, a tape measure, and an 8½-foot (2.59-meter) diprod calibrated in inches (cm).

INSTALLED SLIDES' STRUCTURAL AND INSTALLATION DEFECTS CHECKLIST

1. Inspect the runways for visible cracks or tears.

2. Inspect the edges of runways for sharpness, loose fiberglass, cracks, or tears.

3. Inspect all attachment flanges for loose or corroded fasteners.

4. Inspect the slide for general rigidity and stiffness.

5. Inspect all ladder-tread or step-attachment points for evidence of shear, bending, yield, or fatigue in the ladder steps, rails, or attachment means. Yield is evidenced by crystallization or fine cracking of the ladder tread and/or surface.

6. Inspect the ladder handrails for rigidity and attachment. Can they be pulled out of their sockets?

7. Inspect the slide for sharp edges and protrusions on the ladder, deck flanges, handles, and runways.

8. Measure the height of the slide runway off the deck and compare with the manufacturer's installation instructions.

9. Measure the depth of water in front of the slide exit and compare with the manufacturer's installation instructions.

10. Measure the height of the slide above the water and compare with the manufacturer's installation instructions.

11. Measure the distance between the slide centerline and the edges of other pool equipment and compare to the manufacturer's installation instructions.

12. Observe the position of the exit of the slide as shown in Figures N and O of the "Standard for Swimming Pool Slides," issued by the Consumer Product Safety Commission and published in Title 16, Code of Federal Regulations, Part 1207.

§ 1207.9 Product certification.

(a) Certification shall be in accordance with section 14(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1)).

(b) A certificate shall accompany the swimming pool slide (in the form of a permanent label on the shipping container(s) or in the form of a separate

certificate) to all distributors and retailers to whom the material is delivered certifying that the slide conforms to this Part 1207. The certificate or permanent label issued under this section shall be based upon either a test of each product or a reasonable testing program, shall state the name of the manufacturer or private labeler issuing the certificate, and shall include the date and place of manufacture.

(c) Any certificate shall be based upon the test procedures and requirements specified in this Part 1207.

§ 1207.10 Handling, storage, and marking.

(a) *Marking.* The manufacturer's or private labeler's identification shall appear on the slide and shipping container. Such identification shall include the identity and address of the manufacture or private labeler. If a private labeler's name is used, the marking shall include a code mark that will permit an identification of the manufacturer.

(b) *Shipping, handling, and storage.* The slide shall be designed, constructed, or packaged so that reasonably foreseeable shipping, handling, and storage will not cause defects in the slide that will prevent the slide from complying with the requirements of this Part 1207.

§ 1207.11 References.

(a) "Statistical Abstract of the United States 1973", U.S. Dept. of Commerce, pp. 181–185, 192.

(b) "Human Engineering Guide for Equipment Designers", Woodson and Conover, pp. 2–166 through 2–169 published by the University of California Press, 2223 Fulton St., Berkeley, California 94720.

(c) "Human Engineering Guide to Equipment Design," Van Cott and Kinkade, published by U.S. Dept. of Defense, 1972, Library of Congress Card No. 72–600054, pp. 457–465.

(d) "The Measure of Man—Human Factors in Design", by Henry Dreyfuss, published by Watson-Guptill Publications, Inc., 1 Astor Plaza, New York, New York 10036.

(e) "Medical Tribune", Wed., 8/15/73, p. 21.

(f) "Technical Rationale in Support of A Safety Standard for Swimming Pool Slides," 5/30/75. National Swimming Pool Institute, 2000 K Street NW., Washington, D.C. 20006.

§ 1207.12 Stockpiling.

(a) *Definitions.* As used in this § 1207.12:

(1) "Stockpiling" means manufacturing or importing swimming pool slides between the date of promulgation of Part 1207 in the FEDERAL REGISTER and its effective date at a rate greater than five percent more than the rate at which the slides were manufactured or imported during the base period.

(2) "Base period" means, at the option of the manufacturer or importer concerned, any period of 180 consecutive days beginning on or after January 2, 1974, and ending on or before December 31, 1974.

(3) "Rate of production (or importation)" means the total number of swimming pool slides manufactured (or imported) during a stated time period. In determining whether a slide was manufactured (or imported) during a stated time period, the later of the date on which the slide runway was manufactured (or imported) or the date on which the accompanying ladder and other support parts were manufactured (or imported) shall be used.

(b) *Prohibited acts.* Manufacturers and importers of swimming pool slides, as these products are defined in § 1207.3 (a) (28) of this part, shall not manufacture or import slides that do not comply with the requirements of this Part 1207 between January 19, 1976, and July 19, 1976, at a rate which is greater than the rate of production or importation during the base period plus five percent of that rate.

(c) Manufacturers and importers shall maintain appropriate documentation to be able to substantiate to the Commission that they are in compliance with the provisions of this section.

Effective date. The regulations promulgated above, 16 CFR Part 1207, shall become effective July 19, 1976.

(Sec. 9(a), Pub. L. 92–573, 86 Stat. 1215; 15 U.S.C. 2058(a))

Dated: January 12, 1976.

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

[FR Doc.76–1183 Filed 1–16–76;8:45 am]

federal register

MONDAY, JANUARY 19, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

On June 9, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the community development block grant program under Title I of the Housing and Community Development Act of 1974. Subpart C of Part 570 of the reguations contained rules for determining the eligibility of activities to be carried out under the program. The purpose of this notice is to make technical corrrections in order to provide greater clarity and detail in accordance with interpretations made by the Department in responding to questions which arose during the first year of implementation of the Program.

The following sections have been affected by these corrections:

1. Section 570.200(a)(2) has been reorganized. The new language makes clear that the listing of eligible works and facilities is an exclusive listing, and that all items listed must be publicly owned, except for historic properties for which public access is assured. In addition, it notes that the category of streets includes streetlights, signals, and other normal street appurtenances, but excludes limited access ways. It also specifies that permanent on-site equipment integral to the operation of a sanitary landfill is eligible.

2. Section 570.200(a)(3) now specifies that code enforcement is eligible in "delineated areas" in order to stress that code enforcement must focus on a given area and may not be city wide.

3. Section 570.200(a)(4) now states explicitly that block grant funds may be used to rehabilitate acquired housing for use or resale for housing use. In addition, it adds a provision for refinancing properties to be rehabilitated with block grant funds since such refinancing was eligible under the predecessor Section 312 Rehabilitation Loan Program.

4. Section 570.200(a)(12) makes explicit that land use planning, development of codes and ordinances related to housing and community development, and functional planning of actitvities eligible for assistance may be carried out with block grant funds.

5. Section 570.200(a)(13) now specifies that housing counseling and other activities designed to further the fair housing provisions of the regulations are eligible administrative costs.

6. Section 570.200(c) now states that items of administrative cost listed in Attachment B, Section C of FMC 74-4 are eligible to the extent they constitute reasonable administrative costs and are not listed as ineligible. This addition constitutes the prior grantor agency approval required by FMC 74-4 as it applies to block grants.

7. Section 570.201(a) adds clarification that where acquisition of real property includes an improvement which is to be used for an ineligible public facility, the portion of the acquisition cost attributable to the improvement, as well as the cost of any rehabilitation or conservation undertaken to adapt the property for such use is ineligible.

8. Section 570.201(a)(3) makes clear that communitywide facilities, other than those specifically authorized, are ineligible.

9. Section 570.201(b) incorporates provisions regarding eligibility of equipment under the block grant program.

10. Section 570.201(e) is amended to delete the provision that appeared to permit use of block grant funds to conduct communitywide voter registration drives. This change clarifies the initial intent of this provision, namely, that it would not be improper to conduct communitywide voter registration drives in facilities which were provided with block grant funds, although block grant funds could not be used to pay for the costs of conducting the drive.

11. Section 570.201(h) states the provisions regarding eligibility of costs incurred prior to notification of a funding approval by HUD.

The revisions contained herein are technical in nature and are designed to clarify previously established policy and do not constitute new policy. These revisions are essential for block grant applicants who are presently preparing applications for submission in Fiscal Year 1976. Additional amendments involving interpretation of policy, particularly with regard to public services, will be published for comment at a later date.

Accordingly, the Assistant Secretary for Community Planning and Development has determined that it is impractical, unnecessary, and contrary to the public interest to follow a notice of proposed rulemaking procedure and that good cause exists for making these regulations effective on the date of publication.

In connection with the environmental review of the proposed amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451-7th Street, SW., Washington, D.C. 20410.

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

These amendments are issued under the authority of Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of Housing and Urban-Development (42 U.S.C., 3535(d)).

In consideration of the foregoing, 24 CFR Part 570, Subpart C is revised to read as follows:

Subpart C—Eligible Activities

Sec.
570.200 Eligible activities.
570.201 Ineligible activities.

AUTHORITY: Pub. L. 93-383, sec. 7(d) (42 U.S.C. 3535(d))

Subpart C—Eligible Activities

§ 570.200 Eligible activities.

(a) Grant assistance for a Community Development Program may be used only for the following activities:

(1) Acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, water rights, and other interests therein), which is—

(i) Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, as determined by the recipient pursuant to State and local laws;

(ii) Appropriate for rehabilitation or conservation activities;

(iii) Appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;

(iv) To be used for the provision of public works, facilities, and improvements eligible for assistance under paragraph (a)(2) of this section; or

(v) To be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to the community development program.

(2) Acquisition, construction, reconstruction, rehabilitation, or installation of only the following public works, public facilities, and site or other improvements:

(i) Neighborhood facilities which (A) are designed to serve a particular neighborhood and provide services for that area, except that such facilities may serve an entire community of under 10,000 population; (B) provide health, recreational, social, or similar community services; (C) may be either single purpose or multipurpose in nature.

(ii) Senior centers.

(iii) Historic properties, (including privately owned properties for which there is public access).

(iv) Utilities.

(v) Streets, street lights, traffic signals, signs, street furniture, trees, and other normal appurtenances to streets, but excluding expressways and other limited access ways.

(vi) Water and sewer facilities, except for sewage treatment works which are described as ineligible in 570.201(a).

(vii) Foundations and platforms for air rights sites.

(viii) Pedestrian malls and walkways.

(ix) Parks, playgrounds, and other facilities for recreational participation.

(x) Flood and drainage facilities in cases where assistance for such facilities has been determined to be unavailable under other Federal laws or programs pursuant to to the provisions of § 570.607.

(xi) Parking facilities, solid waste disposal facilities (including permanent onsite equipment integral to the operation of a sanitary landfill), and fire protection equipment and facilities which are located in or serve areas in which other activities included in the community development program described in § 570.303(b) are to be carried out.

(3) Code enforcement in delineated areas which are deteriorated or deteriorating and in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area.

(4) Clearance, demolition, removal, and rehabilitation of buildings and improvements, including (i) interim assistance to alleviate harmful conditions in which immediate public action is needed; (ii) rehabilitation of acquired properties for use or resale in the provision of housing; (iii) demolition and modernization (but not new construction) of publicly owned low-income housing; and (iv) financing rehabilitation of privately owned properties through the direct use of funds in the provision of grants, loans, loan guarantees, and interest supplements when provided in connection with other physical development activities described in the community development program which are eligible for assistance under this Part. Loans for the rehabilitation of residential property may include an amount to refinance existing indebtedness secured by such property if such refinancing is necessary to enable the loan recipient to amortize, with a monthly payment of not more than 20 per centum of the average monthly income of the loan recipient, such loan and any other indebtedness secured by the property of the loan recipient.

(5) Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons.

(6) Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities assisted under this Part.

(7) Disposition, through sale, lease, donation, or otherwise of any real property acquired pursuant to this Part or its retention for public purposes, provided that the proceeds from any such disposition shall be expended only for activities in accordance with this Part.

(8) Provision of public services not otherwise available in areas, or serving residents of areas, in which the recipient is undertaking or will undertake, other activities described in § 570.303(b)(1)(i), where such services are determined to be necessary or appropriate to support such other activities and where assistance in providing or securing such services under other applicable Federal laws or programs has been applied for and denied or not made available pursuant to the provisions of § 570.607. For the purposes of this paragraph, such services shall be directed toward (i) improving the community's public services and facilities including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and (ii) coordinating public and private development programs.

(9) Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of the community development program pursuant to § 570.303(b), *Provided*, That such payment shall be limited to activities otherwise eligible under this section.

(10) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949.

(11) Relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced by activities assisted under this Part.

(12) Activities necessary (i) to develop a comprehensive community development plan addressing the needs, strategy, and objectives to be summarized in the application pursuant to § 570.303(a), including but not limited to land use planning, development of codes and ordinances related to housing and community development programs, and functional planning of activities eligible for assistance under this subpart, but including only such public services as are necessary or appropriate to support activities meeting such needs and objectives, and (ii) to develop a policy-planning-management capacity so that the recipient may more rationally and effectively (A) determine its community development and housing needs, (B) set long-term goals and short-term objectives related to these needs, (C) devise programs and activities to meet the goals and objectives, (D) evaluate the progress of such programs in accomplishing these goals and objectives; and (E) carry out management, coordination, and monitoring of activities necessary for effective planning implementation.

(13) Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including but not limited to (i) housing counseling and other activities designed to further the fair housing provisions of § 570.303(e)(1) and the housing objectives of § 570.303(c)(4)(ii), and (ii) the provision of information and, at the discretion of the recipient, of resources to residents of areas in which other community development activities described in § 570.303(b) and the housing ativities covered in the Housing Assistance Plan described in § 570.303(c) are to be concentrated with respect to the planning and execution of such activities.

(b) Notwithstanding anything to the contrary in this section or in § 570.201, any ongoing activity being carried out in a model cities program shall be eligible for funding under this Part from that portion of the hold-harmless amount attributable to such model cities program until the applicant has received five years of funding for such activities as calculated pursuant to § 570.103(c)(2)(iii). For the purpose of this paragraph, the term "ongoing activity" means any model cities activity underway as of January 1, 1975, that was approved and funded by HUD on or before June 30, 1974.

(c) Costs incurred in carrying out the program, whether charged to the program on a direct or an indirect basis, must be in conformance with the requirements of Federal Management Circular 74–4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." All items of cost listed in Attachment B, Section C of that Circular (except Item 6, preagreement costs, which are eligible only to the extent authorized in § 570.302) are allowable without prior approval to the extent they constitute reasonable costs and are otherwise eligible under this Subpart.

§ 570.201 Ineligible activities.

Any type of activity not described in § 570.200 is ineligible. The following list of examples of ineligible activities is merely illustrative, and does not constitute a list of all ineligible activities.

(a) *Public works, facilities, and site or other improvements.* The general rule is that public works, facilities, and site or other improvements are ineligible to be acquired, constructed, reconstructed, rehabilitated, or installed unless they are specifically mentioned in § 570.200(a)(2), or were previously eligible under any of the programs consolidated by the Act (except the public faciilties loan program, the model cities program, and as an urban renewal local grant-in-aid eligible under section 110(d)(3) of the Housing Act of 1949) and cited in § 570.1(c). Where acquisition of real property includes an existing improvement which is to be utilized in the provision of an ineligible public facility, the portion of the acquisition cost attributable to such improvement, as well as the cost of any rehabilitation or conversion undertaken to adapt or make the property suitable for such use, shall be ineligible. Examples of facilities which cannot be provided with these funds include the following:

(1) Buildings and facilities for the general conduct of government, such as city halls and other headquarters of government (where the governing body meets regularly), of the recipient and which are predominantly used for municipal purposes, courthouses, police stations, and other muncipal office buildings;

(2) Stadiums, sports arenas, auditoriums, concert halls, cultural and art centers, convention centers, museums, central libraries, and similar facilities, but excluding:

(i) A neighborhood library, and

(ii) cultural, art, museum, and similar facilities included as part of a neighborhood facility;

(3) Any facility whose service is communitywide, or whose function is by its nature communitywide, unless it serves an entire community of under 10,000 population or is expressly authorized

other than as a neighborhood facility by § 570.200(a)(2). Examples of facilities which would ordinarily be ineligible as being communitywide are central social service facilities, sheltered workshops, group homes, and halfway houses.

(4) Schools generally, including elementary, secondary, college and university facilities, but excluding a neighborhood facility or senior center in which classes in practical and vocational activities (such as first aid, homemaking, crafts, etc.) may be taught;

(5) Airports, subways, trolley lines, bus or other transit terminals, or stations, and other transportation facilities;

(6) Hospitals, nursing homes, and other medical facilities, but excluding a neighborhood facility or senior center which provides health services; and

(7) Treatment works for sewage or industrial wastes of a liquid nature.

(b) *Purchase of equipment.* Except for construction equipment described in § 570.200(a)(2)(xi), the purchase of construction equipment is ineligible, but compensation for the use of such equipment through depreciation or use allowances pursuant to Attachment B of Federal Management Circular 74–7 for an otherwise eligible activity is an an eligible cost. The purchase of furnishings or other personalty not an integral structural fixture is ineligible unless (1) eligible under § 570.200(a)(8), (2) specifically mentioned in § 570.200(a), or (3) necessary for use by the recipient in the administration of its community development program pursuant to § 570.200(a)(13).

(c) *Operating and maintenance expenses.* Except for the public services described in § 570.200(a)(8), and the interim assistance authorized under § 570.200(a)(4), operating and maintenance expenses in connection with community services and facilities are not eligible. Examples include maintenance and repairs of water and sewer and parking facilities, and salaries of staff operating such facilities.

(d) *General government expenses.* Except for the provisions of § 570.200(c), expenses required to carry out the regular responsibilities of the unit of general local government are not eligible. Examples include all ordinary general government expenditures not related to the community development program described pursuant to § 570.303(b) and not related to activities eligible under § 570.200.

(e) *Political activities.* No expenditure may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidates' meetings, engaging in voter registration activity or voter transportation, or other partisan political activities.

(f) *New housing construction.* Construction of new permanent residential structures, or any program to subsidize or finance such construction, is not a permissible use of funds provided under this Part, except as provided under the last resort housing provisions of 24 CFR Part 43.

(g) *Income payments.* Except as authorized under § 570.200, funds may not be expended for income payments for housing or for any other purpose. Examples include payments for income maintenance, housing allowances, downpayments, and mortgage subsidies.

(h) *Prior costs.* Costs incurred by a recipient prior to notification of a funding approval by HUD are not eligible for assistance under this Part, except where such costs are to complete activities previously approved and assisted under the urban renewal program, the water and sewer facilities program, the neighborhood facilities program, or the open space land program, described in § 570.1(c)(1), (3), (4) and (6), respectively, or where the costs are incurred in accordance with the timing requirements of § 570.302, § 570.400(e), and § 570.602(a).

Effective date. These amendments are effective on January 19, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76–1250 Filed 1–16–76;8:45 am]

federal register

MONDAY, JANUARY 19, 1976



PART IV:

FEDERAL ENERGY ADMINISTRATION

Office of Exceptions and Appeals

■

CASES FILED

FEDERAL ENERGY ADMINISTRATION

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed

Week of December 24, 1975 to January 2, 1976.

Notice is hereby given that during the week of December 24, 1975 to January 2, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

JANUARY 13, 1976.

APPENDIX

List of cases received by the office of exceptions and appeals, Dec. 24–Jan. 2, 1976

Date	Name and location of applicant	Case No.	Type of submission
Dec. 24, 1975	Apex Oil Co., Washington, D.C. (If granted: Apex Oil Co. would be permitted to import on a license fee-free basis 1,314,000 bbls of No. 2 fuel oil and 1,309,521 bbls of gasoline.)	FPI-0083	Exception to base fee requirements.
Do	Exxon Co., U.S.A., Washington, D.C. (If granted: Exxon's entitlement purchase obligation for September 1975, would be adjusted.)	FEA-0699	Appeal of the Dec. 8, 1975 entitlement notice.
Do	U.S. Oil Co., Inc., Combined Locks, Wis. (If granted: FEA's Nov. 21, 1975, decision and order would be rescinded and U.S. Oil would be permitted to import on a license fee-free basis 456,250 bbls of gasoline and 292,000 bbls of No. 2 fuel only.)	FPI-0084	Appeal of FEA's exception decision and order.
Dec. 29, 1975	Atlantic Richfield Co., Dallas, Tex. (If granted: Crude oil produced from certain leases in the East Texas Field, Gregg County, Tex. would be sold at exempt prices.)	FEE-2137	Price exception (sec. 212.72).
Do	Atlantic Richfield Co., Washington, D.C. (If granted: FEA's Nov. 25, 1975 decision and order would be rescinded and Atlantic Richfield Co. would be permitted to increase its prices for the petroleum products it sells above the base price levels without regard to the profit margin rule contained in sec. 212.11.)	FEA-0700	Appeal of FEA's exception decision and order in *Atlantic Richfield Co.*, 3 FEA Par. 83,022 (Nov. 25, 1975).
Do	Exchange Oil & Gas Corp., New Orleans, La. (If granted: Crude oil produced from certain leases in the Golden Meadow Field, Lafourche Parish, La. would be sold at exempt prices.)	FEE-2138	Price exception (sec. 212.72).
Do	Gulf Oil Corp., Houston, Tex. (If granted: Gulf Oil Corp. would receive a stay of the requirements of the FEA's Nov. 17, 1975 buy-sell list pending determination of its exception request.)	FES-2135	Stay request of the requirements of sec. 211.65.
Do	Petrochemical Energy Group, Washington, D.C., (If granted: FEA's Nov. 24, 1975 assignment order granting a base period use for synthetic natural gas feedstocks to Columbia LNG Corp. would be rescinded.)	FEA-0701	Appeal of FEA's Nov. 24, 1975 assignment order.
Do	Sun Oil Co. (Bayou Sale), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Bayou Sale gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2139	Price exception (sec. 212.165).
Do	Sun Oil Co. (Belle Isle), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Belle Isle gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2140	Do.
Do	Sun Oil Co. (Burnell), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Burnell gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2141	Do.
Do	Sun Oil Co. (Canales), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Canales gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2142	Do.
Do	Sun Oil Co. (Carney), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Carney gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2143	Do.
Do	Sun Oil Co. (Denver Central), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Denver Central gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2144	Do.

List of cases received by the office of exceptions and appeals, Dec. 24–Jan. 2, 1976 —Continued

Date	Name and location of applicant	Case No.	Type of submission
Do	Sun Oil Co. (Concho), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Concho gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2145	Do.
Do	Sun Oil Co. (Cowden), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Cowden gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2146	Do.
Do	Sun Oil Co. (Delhi), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Delhi gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2147	Do.
Do	Sun Oil Co. (Dragon Trail), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Dragon Trail gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2148	Do.
Do	Sun Oil Co. (Elmwood), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Elmwood gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2149	Do.
Do	Sun Oil Co. (Halley), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Halley gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2150	Do.
Do	Sun Oil Co., (Heyser), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Heyser gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2151	Do.
Do	Sun Oil Co. (Houston Central), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Houston Central gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2152	Do.
Do	Sun Oil Co. (Indian Basin), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Indian Basin gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2153	Do.
Do	Sun Oil Co. (Jameson), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Jameson gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2154	Do.
Do	Sun Oil Co. (Luby), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Luby gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2155	Do.
Do	Sun Oil Co. (Markham), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Markham gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2156	Do.
Do	Sun Oil Co. (Maurice), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Maurice gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2157	Do.
Do	Sun Oil Co. (Mayfield), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Mayfield gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2158	Do.
Do	Sun Oil Co. (Mermentau), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Mermentau gas plant to reflect nonproduct cost increases in excess of $0.005 per gal.)	FEE–2159	Do.
Do	Sun Oil Co. (Mooreland), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Mooreland gas plant to reflect nonproduct cost increases in excess of $0.005 per gal.)	FEE–2160	Do.
Do	Sun Oil Co. (Okeene), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Okeene gas plant to reflect nonproduct cost increases in excess of $0.005 per gal.)	FEE–2161	Do.

List of cases received by the office of exceptions and appeals, Dec. 24–Jan. 2, 1976 —Continued

Date	Name and location of applicant	Case No	Type of submission
Do	Sun Oil Co. (Peoria), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Peoria gas plant to reflect nonproduct cost increases in excess of $0.005 per gal.)	FEE–2162	Do.
Do	Sun Oil Co. (Pledger), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Pledger gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2163	Do.
Do	Sun Oil Co. (Robstown), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Robstown gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2164	Do.
Do	Sun Oil Co. (Selling), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Selling gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2165	Do.
Do	Sun Oil Co. (Slaughter), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Slaughter gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2166	Do.
Do	Sun Oil Co. (Spivey), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Spivey gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2167	Do.
Do	Sun Oil Co. (Steedman), Philadelphia, Pa., (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Steedman gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2168	Do.
Do	Sun Oil Co. (Sun), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Sun gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2169	Do.
Do	Sun Oil Co. (Tonkawa), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Tonkawa gas plant to reflect nonproduct cost increases in excess of $0.005 gallon.)	FEE–2170	Do.
Do	Sun Oil Co. (Wakita), Philadelphia, Pa. (If granted: Sun Oil Co. would be permitted to increase its prices for natural gas liquid products fractionated at its Wakita gas plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE–2171	Do.
Do	Beukema's Petroleum Co., Grand Rapids, Mich. (If granted: FEA's Nov. 28, 1975 interpretation would be rescinded and Four Star Service Stations, Inc. would supply Beukema with motor gasoline for the entire year.)	FEE–0703	Appeal of FEA's Nov. 28, 1975 interpretation.
Dec. 30, 1975	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Co.'s sales obligation under the crude oil buy-sell list would be reduced by the amount of oil diverted from Continental to Saber Refining Co. pursuant to the FEA's decision and order dated Dec. 13, 1974.)	FEE–2136	Allocation exception (sec. 211.65).
Do	Guam Oil & Refining Co., Washington, D.C. (If granted: FEA's Nov. 28, 1975 decision and order would be rescinded and Guam Oil & Refining Co. would be permitted to utilize July 1, 1973 contract prices rather than its May 15, 1973 selling prices in calculating its maximum permissible selling prices.)	FEA–0705	Appeal of FEA's exception decision and order, Guam Oil & Refining Co., 3 FEA Par. 83,026 (Nov. 28, 1975).
Do	Gulf Oil Corp., Houston, Tex. (If granted: Gulf's remaining obligation to sell crude oil to refiner buyers on the buy-sell list during the December 1975–February 1976 allocation quarter would be terminated due to the loss of its crude oil production from Angola.)	FEE–2135	Exception to the buy-sell list.
Do	Gustafson Oil Co. of California, Century City, Calif. (If granted: Gustafson Oil Co. of California would be permitted to increase its selling price of fuel oil above its maximum allowable selling price under the mandatory petroleum price regulations.)	FEE–2173	Price exception (sec. 212.93).
Do	Mar-Low Corp., Lafayette, La. (If granted: Certain crude oil produced from leases in the Abbeville Field, Vermillion Parish, La. would be sold at exempt prices.)	FEE–2172	Price exception (sec. 212.72).
Do	Mobil Oil Corp., New York, N.Y. (If granted: FEA's Nov. 25, 1975 decision and order which granted New England Petroleum Corp. an extension of its entitlement exception relief would be rescinded.)	FEA–0702	Appeal of FEA's exception decision and order in New England Petroleum Corp., 3 FEA Par. 83,015 (Nov. 25, 1975).

List of cases received by the office of exceptions and appeals, Dec. 24–Jan. 2, 1976
—Continued

Date	Name and location of applicant	Case No.	Type of submission
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would be permitted to include its naphtha purchases as crude oil receipts in calculating its entitlement obligations.)	FEE–2174	Exception to the old oil entitlements program.
Do	Texas Asphalt & Refining Co., Houston, Tex. (If granted: The FEA's Nov. 28, 1975 order would be rescinded and Texas Asphalt & Refining Co.'s refining capacity would be rated as 2,800 barrels per day.)	FEA–0704	Appeal of the Nov. 28, 1975 order.
Do	William H. Player & Associates, Natchez, Miss. (If granted: Certain crude oil produced from the North Roseland Field, Concordia Parish, La. would be sold at exempt prices.)	FEE–2175	Price exception (sec. 212.72).
Do	Consumers Power Co., Washington, D.C. (If granted: The requirements of FEA's Dec. 12, 1975 amended assignment order which was issued to Consumers Power Co. would be stayed pending final determination of its appeal.)	FES–0706	Stay of FEA's amended assignment order.
Dec. 31, 1975	Petrochemical Energy Group, Washington, D.C. (If granted: FEA's Nov. 28, 1975 assignment order granting a base period use for synthetic natural gas feedstocks to Commonwealth Natural Gas Corp. would be rescinded.)	FEA–0708	Appeal of FEA's Nov. 28, 1975 assignment order.
Do	Phillips Petroleum Co. and The Oil Shale Corp., Bartlesville, Okla. and Los Angeles, Calif. (If granted: Phillips would be permitted to sell its inventories of crude oil, inprocess stocks and refined products at its Avon refinery to TOSCO under the terms agreed to by the parties in connection with the planned acquisition of the refinery by TOSCO.)	FEE–2176	Exception from allocation regulations and 10 CFR 212.83.
Do	Tesoro Petroleum Corp., Washington, D.C. (If granted: FEA's Nov. 28, 1975 order would be rescinded and Tesoro Petroleum Corp.'s refinery capacity would be increased.)	FEA–0707	Appeal of FEA's Nov. 28, 1975 order certifying the capacity of Tesoro refinery.
Jan. 2, 1976	Mohawk Petroleum Corp., Los Angeles, Calif. (If granted: Mohawk Petroleum Corp. would be required to purchase entitlements equivalent in value to the entitlements which the firm was authorized to sell on the revised October 1975 entitlement list issued on Dec. 31, 1975.)	FEX–0024	Supplemental reconsideration of FEA order issued to Mohawk Petroleum in Mohawk Petroleum Corp., 2 FEA Par. 83, 356 (Nov. 7, 1975).
Do	The Oil Shale Corp., Los Angeles, Calif. (If granted: The Oil Shale Corp. would be required to purchase entitlements equivalent in value to the entitlements which the firm was authorized to sell on the revised October 1975 entitlement list issued on Dec. 31, 1975.)	FEX–0025	Supplemental reconsideration of FEA order issued to The Oil Shale Corp. in The Oil Shale Corp., 2 FEA Par. 83,356 (Nov. 7, 1975).
Do	West Coast Oil Co., Newport, Calif. (If granted: West Coast Oil Co. would be required to purchase entitlements equivalent in value to the entitlements which the firm was authorized to sell on the revised October 1975 entitlement list issued on Dec. 31, 1975.)	FEX–0027	Supplemental reconsideration of FEA order issued to West Coast Oil in West Coast Oil Co., 2 FEA Par. 80,279 (Nov. 3, 1975).
Do	Wickett Refining Co., Wickett, Tex. (If granted: Wickett Refining Co. would be required to purchase entitlements equivalent in value to the entitlements which the firm was authorized to sell on the revised October 1975 entitlement list issued on Dec. 31, 1975.)	FEX–0026	Supplemental reconsideration of FEA order issued to Wickett Refining in Wickett Refining Co., 2 FEA Par. 83,238 (Aug. 6, 1975).

[FR Doc.76–1457 Filed 1–14–76;11:38 am]

federal register

MONDAY, JANUARY 19, 1976



PART V:

FEDERAL POWER COMMISSION

■

ADVANCE PAYMENTS PROGRAM

Terminating Investigation and Advance Payment Program With Conditions

FEDERAL POWER COMMISSION

[Docket Nos. R-411 and RM74-4]

ADVANCES FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Order on Remand From Court Opinion Terminating Investigation and Terminating Advance Payment Program With Conditions

DECEMBER 31, 1975.

In the matter of accounting and rate treatment of advances included in account No. 166, Advances for Gas Exploration, Development and Production.

On April 28, 1975, the Commission instituted an investigation of the advance payments program in order to comply with the mandate of the United States Court of Appeals for the District of Columbia Circuit, in *Public Service Commission of the State of New York* v. *Federal Power Commission*, 511 F. 2d 388 (CADC 1975) wherein the Court remanded the record related to Order Nos. 465 and 499 to the Commission with instructions to make further findings, and secure further comments, data, and relevant evidence, with respect to four basic areas to determine the validity of the Commission's action in extending the advance payments program for one year in Order No. 465, and for two years in Order No. 499. Specifically, the Court held that (1) the data presented by the Commission in Order Nos. 465 and 499 as justification for its extensions and expansions of the advance payment programs did not provide an adequate basis for determining whether the program's gas supply enhancing objectives were satisfactorily met at an acceptable level of ultimate economic cost to the consumers, (2) the Commission had failed to consider the effect of other methods of enhancing capital formation including those implemented by it since the institution of the advance payment program, (3) the Commission had failed to focus on the difference between the need for and effect of onshore and offshore advances, and (4) had inadequately considered the treatment to be given to advances which result in the acquisition of working interests by pipelines or their production affiliates.

In order to comply with the Court's mandate, the Commission compiled a list of all natural gas pipelines subject to its jurisdiction who had made advance payments to producers under the advance payment program. These pipelines were made respondents to this investigation and required by June 15, 1975, to complete and return the questionnaire attached as Appendix B to the order. The questionnaire was similar to the Form 102 used to gather data for the evaluations conducted prior to the issuance of Order No. 465 and Order No. 499 with the significant exception, *inter alia*, that it required a breakdown of proven and probable reserves on a contract by contract basis.

When the Commission received the completed questionnaires, they were compiled and noticed for comments by order issued July 9, 1975.[1] In that order, the Commission also made all of the producers, who have received advances from the pipelines (as indicated on the questionnaires) respondents to this proceeding and required them, as well as the pipelines listed in the appendix to the April 28, 1975, order to file comments, data, sworn prepared testimony, exhibits and/or whatever information the respondents may consider to be appropriate on *each* and *every* advance payment agreement to which the respondent is a party.[2] The comments were to be directed to, *inter alia*, the following Commission inquiries:

(1) How much of the proven and probable reserves related to the particular advance payment agreement would not have been forthcoming to the interstate market but for the advance?

(2) If the advance was a necessary factor in securing the dedication of the reserves to the interstate market, was it due to (1) the fact that the producer had insufficient capital available from alternate sources to undertake the necessary exploration, development, and production activity, or (2) competitive pressures from other prospective purchasers or (3) other reasons. If due to competitive pressure from other purchasers or other reasons, specify.

(3) In addition to the information requested in question 2, all producer respondents shall indicate regarding each advance received, what alternate sources of capital were available at the time the particular advance was made by the pipeline and why such sources were not sufficient, absent the advance, to ensure exploration, development and production of the tract covered by the advance payment agreement, and to ensure the dedication and delivery to the interstate market of the proven and probable reserves attributable to the advance payment agreement. In discussing alternate sources of capital, specific reference shall be made to the exact source of the alternate capital; i.e. was the capital generated by the national rate prescribed in Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B; by the optional pricing procedure set forth in Order No. 455, 48 FPC 218 (1972); by special relief from area rate provisions such as *George Mitchell, et al.*, Opinion No. 649; or by other provisions or from other sources.

(4) All respondents shall indicate what portion of gas that would have eventually been forthcoming to the interstate market without advance payments, such as gas from offshore areas, actually reached the market sooner as a result of the particular advance than it would have absent the advance payment. In this regard, what is a reasonable estimate of the time saved as a result of the program's speeding of capital formation?[3]

(5) All respondents shall comment upon the rationale set forth in Order Nos. 465 and 499 for permitting rate base treatment for advances resulting in the acquisition of a working interest by a pipeline of a pipeline affiliated producer. Also comments shall be filed as to whether the benefits from a working interest should be retained in whole or in part by the pipeline or credited to the pipeline's cost of service. The advisability of rate base treatment of advances resulting in the acquisition of working interest by a pipeline or a pipeline affiliated producer should also be discussed in light of the Commission's policy, prescribed in Order No. 441, of crediting to cost of service in the benefits of economic interests other than working interests.[4]

In responding to questions 1 through 5, the respondents were required to file such documentation as essential to support their responses to these questions. In addition to requiring the aforementioned respondents to submit responses to the previously mentioned questions, we also invited parties, including members of our staff, to file comments concerning the issues raised by the Court's opinion, and discussed in the instant order, as well as any other issues relevant to the Commission's advance payment program in relation to capital commitment for required exploration and development.

Furthermore, by order issued September 16, 1975, the Commission issued a notice of oral argument to hear discussion of the issues raised in the Commission's April 28, 1975, order; as well as certain issues raised below in addition to all issues raised by this Commission's advance payment program. Specifically, the Commission's notice stated:

If the Commission finds after its investigation that the record evidence in

---

[1] By Notice issued August 14, 1975, the due date for such comments was extended to September 20, 1975. Reply comments were to be filed on or before October 20, 1975.

[2] If the advance payment agreement covered more than one prospect, the responses were to be broken down on a prospect by prospect basis.

[3] In light of the detail required in the questionnaire and in the comments, the Commission indicated that it would be able to determine which advances are attributable to offshore areas and which to onshore areas and thus evaluate the different factors relevant to each category.

[4] For purposes of clarification we hereby restate the following definition of "working interest" and economic interest other than "working interests," which were originally set forth in Order No. 441:

Working Interest—An interest embodying operating rights and/or the right to share in production or revenues from the producing venture, so that its receipt of production or revenues will increase as the production or revenues from the producing venture increase, without any termination of such right to receive production or revenues after the return of the amount of any related advance payment.

Economic Interests—All interests other than a working interest.

this proceeding does not justify the advance payments under contracts subject to Order Nos. 465 and 499, should the Commission then order refunds to consumers of all monies collected as a result of the inclusion of Order Nos. 465 and 499 advances in rate base or should such refunds be limited to costs related to amounts advanced to producers, but not actually spent by the producer for exploration, development and production by December 31, 1975. If the program is to be terminated should the Commission prohibit inclusion in rate base of any further advances made after December 31, 1975, under advance payments contracts executed prior to December 31, 1975?

The Commission's September 16, 1975, notice also called for discussion concerning the problems arising from the California Public Utilities Commission's program providing for interest payments by intrastate natural gas distributors in California to producers in Alaska for gas to be delivered at a future date, and this Commission's advance payment program in Alaska.[5]

The significant results of the investigation were compiled and tabulated by the Commission's staff and the reports are attached hereto as Appendices B and C. Appendix B "Analysis of Producer Responses To Investigation of Advance Payment Program" is a compilation of the answers filed by producers to the 5 questions set forth by the Commission's April 28, 1975, order. Appendix C is an update, as of April 1, 1975, of the Summary Reports attached to Order Nos. 465 and 499. The Summary Report is based on data submitted by pipelines making the advances and contains a compilation of, *inter alia*, advances committed, advances made, and proven and potential reserves associated with such advances.

OVERALL EVALUATION OF THE PROGRAM

1. *Offshore.* Many producer-respondents and pipeline respondents argued that advance payments to producers in Offshore Texas Gulf Coast and Offshore Louisiana were beneficial and helpful in development of offshore natural gas reserves. However, a review of the producer responses indicates, as shown on Schedule I of Appendix B, that for the total advance payment program 1,020,244,370 Mcf of proven reserves out of a total of 7,827,619,800 Mcf associated with offshore advances could be said, with a a high degree of certainty, to have reached the interstate market sooner as a result of advance payments made to offshore producers.[6] As also indicated on Schedule I of Appendix B, offshore advances accounted for most of the money advanced to producers under the program. More specifically, Schedules I(c) and I(d) of Appendix C show that for Order Nos. 465 and 499, respectively, approximately 90% of the money advanced under those orders was advanced to offshore producers in the Texas Gulf Coast and Southern Louisiana area.[7]

At the oral argument held on October 23, 1975, as well as in the responses filed, several pipelines[8] argued that offshore advances cannot be shown to have had a quantifiable accelerating effect and that the net result of offshore advances is to determine that one pipeline receives the gas rather than another. Moreover, the pipelines cited the financial burdens heaped upon pipelines resulting from offshore and onshore advances and recommended that the program be discontinued and that Order 499 be allowed to expire by its own terms such that advances make pursuant to contracts entered into *after* December 31, 1975, would not receive rate base treatment. As aforesaid, some pipelines and producers generally supported offshore advances and stated that they were generally beneficial.

The Public Service Commission of the State of New York (New York) restated its contention that offshore advances have not had an "accelerating" effect and that such advances are mere "commitment fees" enabling one interstate pipeline to get gas from a given prospect, rather than another interstate pipeline. New York also argued that the Commission did not consider the effects of advance payment program in setting the area and national producer rate levels for either offshore or onshore producers.

Our review of the responses from interested parties, as well as the entire record of the investigation, shows that some advances have aided the development of offshore natural gas reserves. However, we cannot find, based on this record, that there was sufficient quantifiable acceleration or initiation of exploration, development and production of offshore reserves to meet the test laid down by the Court of Appeals for these proceedings.

We note that this finding is made more difficult by the inherently speculative nature of the test we are asked to apply. The myriad factors which influence managerial decisions with regard to procuring gas for the interstate market include fiscal and monetary policy, general business and economic conditions, and the regulatory climate, as well as the managers' predictions about each of these. In making judgments about the outcome of decisions based on these factors we are forced to rely heavily on the self-serving predictions of interested parties and to speculate ex post facto about events which did not occur. Just as one can speculate about the results for the national economy if wage and price controls had not begun in 1971, we may speculate about the results in the absence of the advance payments program. In either case, however, no more than an informed speculation is possible.

Furthermore, we are not able to find from our consideration herein that the advance payment program offshore has had the significant substantial impact on development of natural gas reserves that was expected of the program at its inception. Accordingly, as a matter of public policy, we shall allow the offshore portion of the advance payment program to expire as of the time and date of issuance of this order. Our treatment of the executory portion of offshore advance payment contracts subject to Order Nos. 465 and 499, as well as the propriety of refunds, will be discussed later in this order.

2. *Onshore Advances.* Schedule II of Appendix B indicates that within the lower 48 states, there was evidence to indicate that advance payments onshore under all orders (410, 441, 465 and 499) had a beneficial effect. For 58% of the onshore advances ($158 million), with which was associated 2.4 trillion cubic feet (Tcf) of proved reserves,[9] it was indicated by the producers that they had insufficient amounts of capital from other sources, and that the advance was a critical and necessary factor in securing the dedication of these reserves for the interstate market. Other onshore producer responses indicate that onshore advances secured gas for the interstate market by offsetting such factors as low interstate producer prices, marginal well production, competitive pressure from the intrastate market and the high risks associated with the development of certain properties.

At the oral argument, these contentions were restated by a representative for a group of small producers[10] as well as some of the pipeline participants. New York stated that, in all probability, favorable evidence would be found to support onshore advances. However, New York recommended alternatives to such advances such as interest-bearing pipeline loans to *small* onshore producers or arrangements onshore wherein the pipeline would receive a working interest. The pipelines opposing continuation of the advance payment program[11] also stated that onshore advances were beneficial, but recommended that instead of extending the advance payment program, the Commission could best assure development of onshore gas and its dedication to the interstate market through

[5] Responses were received from the parties listed in Appendix A.

[6] Because of the scope of the Commission's jurisdiction over offshore production, the question of whether or not the offshore reserves would be dedicated to the interstate market is not relevant.

[7] The money advanced in Categories (3) and (4) on those schedules is almost all for offshore prospects.

[8] Transwestern, Texas Eastern, Transco, United, Tennessee, Southern Natural, Florida Gas, Mid Louisiana, and Texas Gas.

[9] These percentages are of the total producer responses received. Producer responses onshore were received for approximately 90% of the proved reserves indicated in the Summary Report (Appendix C).

[10] See Transcript of Oral Argument, Volume 1 (Tr. 195–205) in Docket Nos. R–411 and RM74–4.

[11] See Footnote 8 above.

raising the flowing gas rate in Docket No. R–478, and through the use of producer special relief procedures on marginal properties.

Our review of the evidence submitted and compiled in this investigation indicates that there is more record support for onshore advances, than for offshore advances.

As indicated above, there is evidence that much of the new proved reserves associated with onshore advance payments would not have been developed and dedicated to the interstate market but for the advances. As discussed in connection with offshore advances, however, this judgment, too, is based on retrospective predictions about a state of events which did not occur. We do find that to the extent the Court of Appeals' test can rationally be applied, the onshore advances meet this test.

We believe, as a matter of public policy, it is time to end the advance payment program onshore, as well as offshore, and to use other means to increase the necessary cash flow to onshore producers. We note that on August 28, 1975, we issued Opinion 742,[12] which permits small producers, most of whom operate onshore, to collect a just and reasonable rate equal to 130% of the applicable area or national rate for large producers. Moreover, in Docket No. R–478, we have today issued Opinion No. 748 which increases the rate for flowing gas for producers and we have before us a proposal in Docket No. RM75–14 to review new gas rates for producers. Those proceedings are the appropriate place to consider recognized need for increased cash flow for the exploration, development and production of onshore, as well as offshore reserves, for the interstate market. Moreover, where appropriate, as in the case of marginal properties, we encourage parties to file under our special relief procedures. This increased cash flow is necessary if we are ever to get more gas into the interstate market. We shall discuss the treatment of the executory portion of onshore advance payment contracts subject to Orders 465 and 499, as well as the refund issue as it relates to onshore advances, later in this order.

3. *Alaskan Advances.* As of April 1, 1975, the cut-off date for responses for the Summary Report in Appendix C, there were no Alaskan advances made under Order 499. Order 499 was the first and only advance payment rulemaking order specifically permitting rate base treatment for advances in Alaska. However, we believe it necessary and appropriate to evaluate the entire Alaskan advance payment program in order to determine the proper disposition of both pre-Order 499 Alaskan advances and advances made under contracts executed on or after December 28, 1973, the effective date of Order 499. Schedule I of Appendix B indicates that approximately 64% of the proved reserves associated with advances would have been dedicated to the interstate market absent advance payments, according to producer responses. The producers also state, however, that substantial acceleration occurred as a result of the Alaskan advances. Schedule II of Appendix B indicates that responses from producers who control 35% of the proved reserves indicate that sufficient capital was not available absent the advance payment program.

At oral argument, several parties stated specific support for the Alaskan advance payment program including Natural Gas Pipe Line Company, Northern Natural, Panhandle & Trunkline, ARCO, Exxon and Southern California Gas Company, citing the higher costs of exploration and development and the acceleration effect these advances are having.

However, Alaskan advances were strongly opposed by the Arizona Group (The Arizona Commission, Tuscon Gas & Electric Co. and Arizona Public Service Company) since, it was alleged, the major pipelines are tying up all of the producer reserves in Alaska and prejudging the Section 7 proceedings which will take place before this Commission regarding certification of sales and transportation of Alaskan gas to the lower 48 states. The Arizona Group noted that Order 529[13] *required* pipelines making advances in Alaska, as well as in the lower 48 states, to receive long-term commitments of the gas associated with the advance. Thus, areas not served by pipelines making Alaskan advances, such as Arizona, would be precluded from getting any Alaskan gas.

Therefore, the Arizona Group urges that the Alaskan advance payment program be terminated forthwith; that commitments under existing contracts to make future Alaskan advances not be honored; and that the Commission clearly indicate in a policy statement that Alaskan advances *or* interest payments, such as those approved in California for intrastate distribution companies, *will not* prejudge the Section 7 certificate proceedings involving Alaskan gas.

Alaskan advances were also strongly opposed by representatives from various California groups including a California consumer group named TURN (Toward Utility Rate Normalization) represented by Sylvia Siegel; the Cities of San Diego, Los Angeles, Santa Barbara, San Francisco; as well as the California Public Utilities Commission. Basically, these parties argued that the FPC's Alaskan advance payment program was being used by producers in Alaska, such as Exxon and ARCO, to "blackmail" the California Commission as well as California consumers, by allegedly "forcing" the California Commission into approving interest payment arrangements between intrastate California distributors and Alaskan producers on the threat that if such arrangements were *not* approved by the California Commission by a date certain, the producer would terminate the arrangement and seek an advance payment under Order No. 499 from an interstate pipeline from another area of the country and thus commit the Alaskan gas to that interstate pipeline." Thus, all parties from California (with the exception of Southern California Gas Company) recommended rapid termination of this Commission's advance payment program insofar as Alaskan advances are concerned.

Under Order No. 499, only four contracts have been entered into by pipelines and producers for Alaskan gas; Panhandle and ARCO dated May 30, 1975; Texas Eastern and ARCO dated June 30, 1975; Northern Natural and Exxon dated September 29, 1975; and Michigan-Wisconsin and Exxon dated October 24, 1975. Although amounts have been advanced under all four contracts, to date only Panhandle has received rate base treatment for a portion of such advances ($16.4 million out of $46.4 million advanced).[15]

We note that Alaskan advances are similar to offshore advances in that, as of now, there is no intrastate market to compete with the interstate market and no prospect of such a market developing in Alaska in the near future. Assuming that all Alaskan gas will eventually go interstate, we are not convinced, based upon our findings herein on offshore advances in the lower 48 states, that any appreciable and quantifiable acceleration of development and production of Alaskan gas will occur sufficient to meet the Court's test. As to the need for capital, we note that both ARCO and Exxon, the recipients of Alaskan advances made under 499, have already demonstrated their ability to raise capital on their own by the fact that Exxon, in the case of this Commission, and ARCO, in the case of the California Commission, have entered into arrangements with interstate pipelines and intrastate distributors, respectively, whereby they would not receive advance payments, but would raise the capital on their own, and charge the respective interstate pipelines and intrastate distributors the interest on such capital in return for gas to be delivered at a future date. As this Commission correctly found in those orders which disallowed rate treatment in pipeline rate cases for the interest payment arrangements,[16] such arrangements demonstrate a *prima facie* case for the proposition that the producer is able to generate sufficient capital on his own so as to obviate the need for advance payments in any form. Furthermore, we agree with those parties who in their comments, and at oral argument, opposed this Commis-

[12] —— FPC —— in Docket No. R–393.

[13] Issued June 17, 1975, in Docket No. RM75–5; rehearing denied, Order No. 529–A, issued August 15, 1975.

[14] It should be noted that in statements filed with the F.P.C. after oral argument, ARCO and Exxon replied to the "blackmail" allegations of the California Commission stating, *inter alia*, that the interest payment arrangements approved by the California Commission were made pursuant to valid California Commission regulations.

[15] Texas Eastern/ARCO; $16.4 million advanced, Northern/Exxon, $58 million advanced, Mich-Wis/Exxon, $58 million advanced.

sion's Alaskan advance payment program as being contrary to the national interest in permitting a few pipelines, among others, to tie up almost all of the Alaskan natural gas reserves, to the exclusion of others, through advance payments with little or no benefit to the ultimate consumer.

After weighing all the factors, the Commission has decided in the public interest to terminate rate base treatment as of December 31, 1975, for Alaskan advances made under contracts executed after December 28, 1973, the effective date of Order 499. Accordingly, any pipeline presently reflecting such advances in its rate base shall be required to file, within 60 days of the issuance of this order, revised rates to reflect elimination of such advances. Moreover, we note that all four of the Alaskan advance payments contracts which are subject to Order 499 contain "escape clauses" which provide, in essence, that should the pipeline not receive rate base treatment for the advances, all monies advanced plus interest will be refunded to the pipeline making the advance and the contract will be terminated. After consideration of the problems presented by the Alaskan advances, and after weighing all the equities related thereto, we find it in the public interest to require any pipeline making advances under the orders herein under consideration to refund all amounts collected as a result of including these advances in rate base.

We are also this day issuing, in Docket No. RP76–49, a proceeding requiring those parties to the pre-Order 499 Alaskan advance payment contracts to show cause why rate base treatment should not end for pre-Order 499 advances made in Alaska as of December 31, 1975, or such other date as the Commission might find appropriate.

It is appropriate at this time that we restate our policy enunciated in our September 16, 1975, Order in Docket Nos. R–411 and RM74–4, that state regulatory approval of arrangements, such as those interest payment transactions approved or being considered by the California Commission, does not and will not obligate this Commission to certify any proposed sales or transportation arrangements of Alaska gas under Section 7 of the Natural Gas Act to the advancing distributor.

Refund Issue as to Lower 48 States Advances

As indicated above, we found that onshore advance payments did attract significant new or additional quantities of gas to the interstate market, and thus met our understanding of the court's test for this program, while offshore advance payments did not. However, in the exercise of this Commission's judgment as to proper policy in this field, and the costs and benefits involved, we have decided to terminate the program. The question thus arises as to whether or not refunds of carrying costs (return and associated taxes) charged to rate payers by pipelines making advance payments, should be made, as well as whether advances presently included in rate base should be permitted to remain in rate base. Although these issues were not addressed in the responses, several parties at the oral argument discussed them.

All of the major interstate pipelines, as well as all producers, opposed any refunds *if the program is terminated.* The interstate natural gas pipelines who are members of the Interstate National Gas Association (INGA) argued that if the program is terminated, no refunds should be allowed because it would be "illegal" for the Commission to do so, citing *F.P.C.* v. *Hope Natural Gas Company*, 320 U.S. 591 (1944), which, it is alleged, prohibits "retroactive ratemaking" and requires the Commission to balance consumer interests and pipeline economic health. Moreover, INGA argued that refunds cannot be ordered because the Court, in remanding the advance payment program to the Commission, permitted the program to remain in effect thus on legal, equitable and financial grounds. INGA opposes refunds if the program is terminated. All of the major interstate pipelines supported this position as did the United Distributtion Companies, the producers participating in the argument, and the Illinois Commission. Specifically, INGA stated that a study was made, using the assumptions set forth in Orders 465 and 499 regarding the cost of advance payments to consumers. The results of that study, according to INGA, show that refunds (based upon carrying charge factor for return and taxes of 13%) would be $292,729,000 for all advances made under Orders 410, 441, 465 and 499, estimated as of December 31, 1975.[17]

The Louisiana Land & Exploration Company opposed refunds but noted that the decision whether or not to order refunds was based upon the equities, citing *Consumer Federation* v. *F.P.C.*, (which vacated this Commission's 180-day emergency sale program) and was not a *per se* legal test, as was implied by INGA. The New York Commission agreed with Louisiana Land on this interpretation of the law, and, on an equitable basis, urged that the pipelines who have gotten no financial benefit from the program, not be required to make refunds. If anyone should make refunds, New York argued, it should be the producers. However, New York did not recommend that the producers make refunds either, but did suggest in passing that, in lieu of refunds, the Commission might want to consider making the producers "maybe spend some money *onshore* and devote it to the interstate market." (Tr. 322).

We agree with New York and Louisiana Land that the appropriate test for deciding whether or not to order refunds is a balancing of the equities, rather than a *per se* legal test.[18] However, based upon a review of the equities, we do not find that refunds from either the pipelines or the producers would be in the public interest. First of all, as we noted above, there was evidence filed which shows that the program was in part a success, as for some of the offshore advances, as well as a higher proportion of the onshore advances. Moreover, ordering the pipelines to make refunds would impose a tremendous financial hardship on the pipelines because there is no guarantee whatsoever that the pipelines would be reimbursed by the producers for the carrying charges the pipelines would have to refund to their customers. Furthermore, we note that the U.S. Court of Appeals turned down the suggestion of the New York Commission that rate base treatment for advance payments be terminated and permitted the advance payment program to remain in effect pending the Commission's investigation of the program on remand. For all of the aforestated reasons, we find that using the *Consumers'* test, the equities weigh against requiring refunds of carrying charges related to advances made under Orders 465 and 499.

[17] Tr. 17.

As to advances made on or before December 31, 1975, under Orders 465 and 499, we find, based upon consideration of the equities relating to the refund issue, as well as the factors considered below in our treatment of post-December 31, 1975, advances in the lower 48 states, that rate base treatment for advances made on or before December 31, 1975, should be continued subject to the conditions of Orders 465 and 499, as appropriate.

Treatment of Post-December 31, 1975 Advances

As to the issue of rate base treatment of post-December 31, 1975, advances pursuant to lower 48 states advance payments contracts subject to Orders 465 and 499, INGA argued that the Commission should honor such commitments, and permit rate base treatment. Therefore, INGA argued that pipelines might not be able to break their contracts with producers and might thus be required to make advances to producers while reviewing no rate base treatment or other economic reimbursement from their customer. The New York Commission indicated that, in its opinion, rate base treatment for such advances should be allowed unless it could be shown that no disruption of the reserves dedication provisions of the advance payment contract should occur. The California Commission argued that rate base treatment for such advances should not be allowed since, if the program is found not to meet the Court's test in *New York*, it would be an empty act to permit rate base treatment for the executory portion of those contracts and thus allow a substantial portion of the advance payment program to continue.

The issue of rate base treatment for post-December 31, 1975, advances under contracts executed under Order 465 and 499 must be decided on the equities, like the issue of refunds. It would not be in

[16] *Northern Natural Gas Company*, —— FPC —— issued July 11, 1975, in Docket Nos. RP75–87 and RP75–89; *Michigan Wisconsin Pipe Line Company*, —— FPC —— issued May 19, 1975, in Docket No. RP75–96.

[18] See: *Consumer Federattion* v. *F.P.C.*

the public interest to place pipelines in the possible financial jeopardy that might result from their attempts to renegotiate advance payments contracts made under Orders 465 and 499 containing provisions for making advances after December 31, 1975, in the lower 48 states. Our review of these contracts indicates that in the great majority of contracts, the pipelines would be required to make advances whether or not this Commission allowed the pipelines rate base treatment for such advances. Furthermore, we note again that the U.S. Court of Appeals, by its own motion, permitted the program to remain in effect during this Commission's investigation of the program on remand. Accordingly, subject to certain conditions set forth below, it is reasonable and appropriate to permit the advance payments program under Orders 465 and 499 in the lower 48 states to expire by its own terms and to permit rate base treatment for advances made after December 31, 1975, pursuant to contracts made under Orders 465 and 499 and subject to the conditions set forth below, as well as the conditions set forth in Orders 465 and 499.

In permitting rate base treatment for the executory portion of lower 48 states advance payments contracts subject to Orders 465 and 499, it is necessary that we attach certain conditions to rate base treatment for such advances to ensure that such contracts may not be used to perpetuate the advance payments program indefinitely. First, we note that some advance payments contracts permit the addition of new prospects or tracts from time to time. In order to limit the scope of such contracts, it is necessary to provide that rate base treatment will not be authorized for advances on prospects or tracts added to advance payments contracts under Orders 465 and 499 on or after the date of issuance of this order.

In addition, we shall deny rate base treatment for any advances made under the executory portion of existing contracts which are subject to Orders 465 and 499 when such advance is made *after* December 31, 1980.

As to the issue of the appropriate treatment of advances which result in the acquisition of a working interest by a pipeline or a pipeline affiliate, New York reiterated its strong opposition to such advances, unless the revenues from such working interest are credited to the pipeline's cost of service. Consistent with the action taken with respect to the advance payment program in general, it is appropriate that we not change the treatment for advances made under Orders 465 and 499 which result in the acquisition of a working interest by a pipeline or a pipeline affiliate.

Our action with respect to Alaskan advances, coupled with our treatment of lower 48 states advances under Orders 465 and 499 and our intent not to issue a notice of rulemaking to extend the advance payments program to contracts executed *after* December 31, 1975, represents a reasonable and appropriate resolution of the issues raised in the Commission's investigation of the advance payment program in Docket Nos. R–411 and RM74–4.

The Commission further finds: Good cause exists to terminate the investigation of the advance payment program under Orders 465 and 499, as hereinafter ordered and conditioned.

The Commission orders: (A) The investigation of the Commission's advance payment program under Order 465 in Docket No. R–411 and Order 499 in Docket No. RM74–4, which investigation was instituted by our order issued herein on April 28, 1975, is terminated as provided below.

(B) Rate base treatment for Alaskan advances made under contracts executed on or after December 28, 1973, the effective date of Order No. 499, shall cease as of December 31, 1975, and any pipeline presently reflecting such advances in its rate base shall file, within 60 days of the issuance of this order, revised rates reflecting elimination of such advances. Any pipeline which has made Alaskan advances pursuant to Order No. 499 shall refund all amounts collected as a result of including these advances in rate base.

(C) Except as provided in Ordering Paragraph (B) above with respect to Alaskan advances, we shall permit the advance payments program to expire as of the time and date of issuance of this order, *provided, however,* that no rate base treatment will be accorded to advances under contracts subject to Orders 465 and 499 in the lower 48 states which advances are for prospects or tracks added to the advance payment contract on or after the date of issuance of this order; and *provided further* that rate base treatment shall be denied for advances made under contracts under Orders 465 and 499 where such advances are made *after* December 31, 1980.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.

RESPONDENTS IN DOCKET NO. R–411 AND RM74–4

INVESTIGATION OF ADVANCE PAYMENT PROGRAM

State, Federal, Municipal Governments

City of Los Angeles
City of San Diego
City of Santa Barbara
Federal Energy Administration
Public Service Commission of the State of New York
Public Utility Commission, State of California
Representative Robert J. Lagomarsino
Representative John E. Moss
Representative Thomas M. Rees
Senator Alan Cranston
Senator Warren Magnuson
Senator Lee Metcalf
Senator John V. Tunney (2)

Consumer Representation

545 Individual Letters of Protest filed

Distributors

Southern California Gas Company and Pacific Lighting Service Company
Southern Indiana Gas & Electric Company
Western Kentucky Gas Company

Pipelines

Cascade Natural Gas Corporation
Cities Service Gas Company
Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation CNG Producing Company
Eastern Shore Natural Gas Company
El Paso Natural Gas Company
Kansas Nebraska Natural Gas Company
Michigan Wisconsin Pipe Line Company
Mid Louisiana Gas Company
Mississippi River Transmission Company
Natural Gas Pipeline Company of America
Northern Natural Gas Company
Northwest Pipeline Corporation
Pacific Gas Transmission Company
Panhandle Eastern Pipeline Company
Southern Natural Gas Company
Tennessee Gas Pipe Line Company
Texas Eastern Transmission Corporation: Texas Eastern Exploration Company
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Transwestern Pipeline Company
Trunkline Gas Company
United Gas Pipeline Company

Others

General Motors Corporation

Producers

Adobe Oil Company
Alamo Petroleum Company
Alminex (U.S.) Inc.
Alpar Resources, Inc.
Amarex, Inc.
Amax Petroleum Corporation
Amerada Hess Corporation
American Gas Engineering, Inc.
American Independent Oil Company
American Natural Gas Production Company
American Petrofina Exploration Company
American Resources Management Corporation
Amoco Production Company: Midwest Oil Corporation
Anadarko Production Company
George G. Anderman, Jr. et al
The Anschutz Corporation, Inc.
An-Son Corporation
Apache Corporation
Apco Oil Corp. Monitor Natural Gas
Aquitaine Company of Canada Ltd.
Arapahoe Gas Ltd.
Carl M. Archer
Argonaut Exploration, Inc.
ARGO Petroleum Corporation
George W. Arrington
Ashland Oil, Inc.
ASPCO
Atlantic Richfield Company
Austral Gas Company
Aztec Oil & Gas Company
The Ballard & Cardell Corporation, et al.
Barnes Exploration Company
Basin Petroleum Corporation
H. W. Bass & Sons, Inc.
Perry R. Bass
Beaver Mesa Exploration Company
Beta Exploration, Inc.
Belco Petroleum Company: Belco 1970 Oil and Gas Fund, Ltd.; Belco 1971 Oil and Gas Fund, Ltd.
Bibler Oil & Gas Exploration Limited, et al.
David C. Bintliff
Aubrey C. Black, et al.
Black River Corporation
BMG Inc.—Benson Oil Company
Bobcat Oil Company
Bolin Oil Co. & Cyrus Frost
Bonray Oil Company
B. P. Alaska Inc.
C. F. Braun & Company
Bridger Petroleum Corporation
Brooks Hall Oil Corporation
H. L. Brown, Jr.
Ray O. Brownlie
Brownlie, Wallace & Armstrong
W. W. Buchanan

Burk Gas Corporation, et al.
Burmah Oil and Gas Company
Burmah Oil Development, Inc.
Buttes Resources Company
C & K Petroleum Inc., et al.
Cabot Corporation
California Company, The
Rodney P. Calvin
Calvin G. Campbell
Canadian Occidental of California, Inc.
Canadian Superior Oil Ltd.
Candel Oil Limited
E. G. Catlett
Cayman Corporation
Champlin Exploration, Inc.
Chaparral Resources, Inc.
Chevron Oil Company, et al.
Chorney Oil Company
Cities Service Oil Company
Clark Oil Producting Company
Cleary Petroleum Corporation
George F. Clements, Jr.
CNG Producing Company
Coleve, a Joint Venture
Ted Collins & R. E. Tucker
William B. Collister
Colorado Oil and Gas Corporation
Colt Oil Inc.
Columbia Gas Development Corporation, Columbia Gas Development of Canada, Ltd.
Continental Oil Company
Coquina Oil Corporation, et al.
Bill Cotner—c/o Meadco Properties
Harold D. Courson
Crab Run Gas Company
John L. Crawford
Crystal Oil Company
CSG Exploration Company
Dalco Oil Company
Damson 1970 Exploration Fund
Danden Petroleum, Inc., et al.
Davis Oil Company
Dawson Operation Co., Inc.
Delta Drilling Company, et al.
Depco, Inc.
Frank M. Dever
Diamond Shamrock Corporation
Dixilyn Corporation
Doric Corporation
John R. Dorr
Dover Exploration Company
Dyco Petroleum Corporation
Earlsboro Oil and Gas Company, Inc.
Eason Oil Company
Ecee, Inc.
E. K. Edminston, et al.
Emerald Oil Company
Energetics, Inc.
Energy Minerals Corporation
Harold B. Ehrlich, Bernstein-Macaulay, Inc.
Equity Oil Company
Eschbia Oil Company
Exploration Associates
Exxon Corporation
Ferguson Oil Company, Inc.
Finley Company (as a member of Mallard Exploration Co., et al.)
Flag—Redfern Oil Company
Freeport Oil Company
Front Range Land Investment Corporation
Fuel Resources Development Company
Roy R. Gardner
Gas Producing Enterprises, Inc.
General American Oil Co. of Texas
General Crude Oil Company
Getty Oil Company
GMC Oil and Gas Corporation
Goldking Production Company
Graham-Mitchaelis Drilling Company
1973 Great Basins Exploration & Development Program
Great Southern Oil & Gas Company, Inc.
Grynberg, Jack J., et al.
Guernsey Petroleum Corporation
H & L Operating Company
Hadson Ohio Oil Company, et al.
Hamilton Brothers Exploration Company
Jake L. Hamon, et al.
Neil E. Hanson
Harper Oil Company
Harrington & Bibler, Inc.
Harrington & Bibler, Ltd.
Harrington Oil & Gas Exploration Limited, et al.
William G. Helis, Estate of
Helmerick & Payne, Inc.
Highland Resources, Inc.
Robert K. Hillin
HNG Oil Company
F. G. Holl, et al.
Home Petroleum Corporation
Hoover & Bracken, Inc.
Hughes & Hughes (Operator) et al.
Hunt Industries
Hassie Hunt Trust
Hunt Oil Company
Hunt Petroleum Corporation
Hurley Petroleum Corporation
Husky Oil Limited
Hytech: Southwestern Natural Gas, Inc., Western States Producing Company
Ilus Industries, Inc.
Imperial American Resources Funds, Inc.
Imperial Oil, Ltd.

Indicated Small Producers Respondents

Anderson Oil Company
Thomas Vessels
John E. Schalk
Clinton Oil Company
Inexco Oil Company
Integral Petroleum Corp. (for Powers Operating Co.)
Jadoil, Inc.
Jack G. Jones
Jones & Pellow Oil Company, et al.
Juniper Petroleum Corporation
K. S. Oil Company, et al.
Kansas Petroleum, Inc.
The Kemmerer Coal Company
Howard L. Kennedy
Kerr-McGee Crporation
Kewanee Oil Company
Kilroy Properties, Inc.
Kimball Production Company
King Resources Company
Kirkpatrick Oil & Gas Company
Know Industries, Inc.
Ladd Petroleum Company
Lear Petroleum Corporation
Leasehold Interests, Inc
Edward H. Leede
Jack Little, et al.
Louisiana Land and Exploration Company
The Louisiana Land Offshore Exploration Co. Inc.
Mackellar Oil Company, et al.
Mallard Exploration, Inc., et al.
Responses filed by: Charles E. Marsh, Finley Company, Washoe Company
Malouf Abraham Company, Inc.
Management Control Corporation
Mapco, Inc.
Marathon Oil Company
Marion Corporation
Martin Oil Services, Inc.
J. A. Matthews
Jack O. McCall
McCormick Oil and Gas Corporation
McCulloch Gas Processing Corporation
McCullock Interstate Gas Corporation
McCulloch Oil Corp. of Texas
McDowell Oil Properties, Inc
McMoRan Exploration Company
Mesa Petroleum Company
Metcalfe—Blair
Midlands Gas Corporation
Midland National Bank
Miles Kimball Company, et al.
Mitchell Energy Corporation, et al.
John F. Mitchell
Mobil Oil Corporation
Mobreal Ohio Producers
Monsanto Company
Robert Mosbacher
Mountain Petroleum, Ltd.
MRT Exploration Company
David L. Murphy
Murphy Oil Corporation
Natresco Incorporated
Natural Gas Anadarko, Inc.
Norris Oil Company
North American Royalties, Inc.
Northland Resources Co. & Joseph B. Gould
Occidental Petroleum Corporation
Ocean Drilling & Exploration Company
Ocean Oil & Gas Company
The Offshore Company
Walter Ohmart, Jr.
Oleum, Inc.
Joseph I. O'Neill, Jr.
W. B. Osborn, Jr., et al.
Outline Oil Corporation, et al.
Pacific Oil and Gas Company
Pacific Transmission Supply Company
Paramount Petroleum, Inc.
Pauley Petroleum Company
W. C. Payne
Pelto Oil Company
Pennzoil Company (Pennzoil United, Inc.)
Pennzoil Louisiana-Texas Offshore, Inc.
Penzoil Offshore Gas Operators, Inc.
Petroleum, Inc.
Petroleum Reserve Corporation, et al.
Petro-Lewis Funds, Inc.
Philcon Development Co., et al.
Phillips Petroleum Company
Pinto, Inc.
Placid Oil Company
Plains Petroleum Limited
A W. Pogue
The Polumbus Corporation
Prenalta Corporation, et al.
Price Exploration
Producers Gas Company
E. D. Propps
Prudential Funds, Inc., et al.
Quintana Group
Reserves Oil and Gas Company for Fort Stockton Oil Company
John C. Robbins
Glen W. Roberts
Rocket Oil & Gas Company
The Rodman Corporation, et al.
Rowan Companies, Inc.
St. Regis Paper Company
Samedan Offshore Corporation
Satallite Gas Company
Schusterman Development Company
Scurry Rainbow Oil Limited
Shaffer Investment Company, Fred I. Shaffer
Shell Oil Company
Shenandoah Oil Corporation
George O. Shettle
Sidwell Oil & Gas, Inc.
Singer-Fleischaker Oil Company
J. B. Singer
Skelly Oil Company
Glen S. Soderstrom, et al.
Sonat Exploration Company
Southland Royalty Company
Southwest Gas Producing Co., Inc. (Eason)
Southwest Oil Industries, Inc.
Ralph Spence
Standard Oil of California
Standard Oil of Indiana—(Amoco)
Standard Oil of Ohio (Sohio)
Statex Petroleum, Inc., et al.
Guy M. Steele
Charles C. Stephenson, Jr.
Stuarco Oil Company, Inc.
Suburban Propane Gas Corp.
Sundance Oil Company
Sun Oil Company
Superior Oil Company, The
Swift-Sterne Corporation
Tamarack Petroleum Company, Inc.
TBP Offshore Company
Tenneco Oil Company
Tenneco Oil & Minerals, Ltd.
Terra Resources, Inc.

Tesoro Petroleum Corporation
Texaco Inc.
Texana Oil Company
Texas Eastern Exploration Company: (See comments filed by Texas Eastern Transmission Corporation)
Texas Gas Exploration Corporation
Texasgulf Inc.
Texas International Pertoleum Corp.
Texas Oil & Gas Corporation
Texas Pacific Oil
Texas West Oil & Gas Corporation
T. F. Thagard
Tiger Oil Company—(formerly Mike Davis)
Toledo Mining Company
Tomlinson Interest, et al.
Transco Exploration Company
TransOcean Oil, Inc.
Tricentrol U.S. Inc.
True Oil Company
Trunkline Exploration Company
Union Oil Company of California
Union Texas of Canada, Ltd.
Union Texas Petroleum
United Petroleum Exploration, Inc.
Vanderbilt Resources Corp.
Baylor Van Meter, Jr.
V. F. Vasicek
Vierson & Cochran
Wainocc, Inc.
R. E. Warren, Jr., et al.
Watson Oil Corporation, et al.
Webb Resources, Inc.
Westates Petroleum Company
Westland Oil Development Corporation
Westrans Petroleum, Inc.
West Ridge Resources, Ltd.
Thomas W. Wheatley, et al.
Williams Exploration Company
F. Helen Williams
Wise Oil Company
Wilson Production Company
Wintershall Oil & Gas Co.
Woods Petroleum Corporation
Harvey E. Yates Co., Inc.
Lee J. Youngblood
Yucca Petroleum Co., et al.

Comments on Responses

Atlantic Richfield Company
The People of the State of California: Public Utilities Company of the State of California
Natural Gas Pipeline Company
Northern Natural Gas Company

Parties Participating in Oral Argument

Christopher T. Boland, for ING and A Group of Interstate Pipeline Companies
Columbia Gas Transmission Corporation
Michigan Wisconsin Pipe Line Company
Natural Gas Pipe Line Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company
Northern Natural Gas Company
Panhandle Eastern Pipe Line Company and Trunkline Gas Company
Texas Eastern Transmission Company and Transwester Pipeline Company
James W. McCartney, for A Group of Pipeline Companies
Tennessee Gas Pipe Line Company
Transcontinental Gas Pipeline Company
United Gas Pipe Line Company
Arizona Corporation Commission, Arizona Public Service Co. Tucson Gas & Electric Co.
Exxon Corporation
Atlantic Richfield Company
Amoco
Louisiana Land and Exploration Company
Richard Morgan, for Indicated Small Producer Respondents Anderson Oil Co., et al.
General Motors
United Distribution Companies
Northern Illinois Gas Company
Southern California Gas Company
City of San Diego, City Attorney
City of Los Angeles, City Attorney: To Speak for City of Santa Barbara, Calif.
California Consumer Organization
California Public Utilities Commission
Illinois Commerce Commission
New York Public Service Commission

Comments Filed in Oral Argument

Associated Gas Distributors
Atlantic Richfield Company
California Consumer Organization and Other Consumer Interests
Exxon Corporation
Indiana Gas Company, Inc.
Natural Gas Pipeline Company of America
Northern Illinois Gas Company
Northern Natural Gas Company
Peoples Gas Company
The Peoples Gas Light and Coke Company and North Shore Gas Company
Public Utilities Commission of the State of California
Texas Eastern Transmission Corporation

APPENDIX B

FEDERAL POWER COMMISSION, BUREAU OF NATURAL GAS

Analysis of Producer Responses to Investigation of Advance Payment Program

Docket Nos. R–411 and RM74–4

Washington, D.C.

November 18, 1975

SCHEDULE I

TOTAL RESERVES, AMOUNTS ADVANCED AND AMOUNTS COMMITTED FOR WHICH PRODUCER RESPONSES WERE SUBMITTED

AREA	ONSHORE				OFFSHORE				PROVED RECOVERABLE RESERVES THAT WOULD HAVE BEEN FORTHCOMING TO THE INTERSTATE MARKET WITHOUT ADVANCES BUT WHICH REACHED THE INTERSTATE MARKET SOONER DUE TO ADVANCES	
	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	ONSHORE	OFFSHORE
LOWER 48 STATES	3,455,314,303	2,186,994,562	270,362,292	333,155,695	7,827,619,800	9,311,997,354	1,376,938,362	1,571,120,223	94,841,777	1,020,244,370
ALASKA	9,361,600,000	1,531,600,000	218,866,196	229,501,213	-	-	3,361,113	20,000,000	6,030,800,000	-
CANADA	348,437,509	52,021,718	7,011,403	5,077,123	1,353,000,000	248,000,000	12,500,000	8,201,263	-	-
TOTALS	13,165,351,812	3,770,616,280	496,239,891	567,734,031	9,180,619,800	9,559,997,354	1,392,799,475	1,599,321,486	6,125,641,777	1,020,244,370

SCHEDULE II

ONSHORE - REASON ADVANCE WAS NECESSARY TO DEDICATE RESERVES TO INTERSTATE MARKET

AREA	ONSHORE - INSUFFICIENT CAPITAL				ONSHORE - COMPETITIVE PRESSURE (INTRASTATE)				ONSHORE - OTHER 1/				ONSHORE - NOT APPLICABLE (WITH QUALIFICATIONS) 2/			
	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)
LOWER 48 STATES	2,443,710,113	1,817,980,960	157,803,099	209,861,661	873,823,577	622,560,656	86,348,335	85,947,882	338,938,560	76,302,000	44,399,602	49,298,761	212,781,904	32,069,900	18,947,870	25,477,042
ALASKA	3,300,000,000	1,470,000,000	39,663,756	38,250,000	-	-	-	-	30,800,000	30,000,000	981,198	4,328,865	6,030,800,000	32,910,000	178,647,636	186,923,349
CANADA	53,766,395	8,027,322	417,500	497,500	314,333,741	46,930,026	4,777,091	6,711,371	33,875,017	5,057,540	298,500	298,500	228,751	34,152	1,532	1,532
TOTALS *	5,797,476,508	3,296,008,282	197,884,355	248,609,161	1,188,157,318	669,490,682	91,125,426	92,659,253	403,613,577	111,359,540	45,679,300	53,926,126	6,243,810,655	65,014,052	197,597,038	212,401,923

* THESE TOTALS INCLUDE FIGURES WHICH OVERLAP BETWEEN CATEGORIES.

1/ E.g., LOW GAS PRICES, MARGINAL WELL PRODUCTION, HIGH RISK PROSPECT.

2/ E.g., NO INTRASTATE MARKET AVAILABLE, PRODUCER IS SUCCESSOR IN INTEREST TO ADVANCE AGREEMENT (DID NOT ORIGINALLY NEGOTIATE AGREEMENT), PROSPECT OR WELL WAS NONPRODUCTIVE.

SCHEDULE III

ONSHORE - QUANTITY NOT FORTHCOMING TO INTERSTATE MARKET WITHOUT THE ADVANCE PAYMENT

AREA	QUANTITY NOT FORTHCOMING BUT FOR ADVANCE (Mcf) 1/	QUANTITY THAT PRODUCERS SAID THEY WERE UNSURE OF, COULDN'T QUANTIFY OR DID NOT ACCOUNT FOR (Mcf) 1/
LOWER 48 STATES	3,073,010,940	2,091,540,388
ALASKA	4,770,000,000	-
CANADA	109,780,620	-
TOTALS	7,952,791,560	2,091,540,388

1/ REFLECTS PROVED AND POTENTIAL RESERVES.

SCHEDULE IV

OFFSHORE - REASON ADVANCE WAS NECESSARY TO DEDICATE RESERVES TO INTERSTATE MARKET

	OFFSHORE - NOT APPLICABLE				OFFSHORE - NOT APPLICABLE (WITH QUALIFICATIONS) 1/			
	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)	PROVED RECOVERABLE RESERVES (Mcf)	POTENTIAL RECOVERABLE RESERVES (Mcf)	AMOUNT ADVANCED ($)	AMOUNT COMMITTED ($)
LOWER 48 STATES	7,259,437,754	8,061,931,726	1,201,159,827	1,395,937,309	492,716,046	1,218,999,628	164,644,177	163,644,177
ALASKA	-	-	-	-	-	-	10,546,875	20,000,000
CANADA	1,353,000,000	248,000,000	8,201,263	12,500,000	-	-	-	-
TOTALS	8,612,437,754	8,309,931,726	1,209,361,090	1,408,437,309	492,716,046	1,218,999,628	175,191,052	183,644,177

1/ E.g., INSUFFICIENT CAPITAL OR WOULD NOT HAVE DRILLED WITHOUT ADVANCE.

APPENDIX C

FEDERAL POWER COMMISSION, BUREAU OF NATURAL GAS

1975 Summary—Advance Payment Status Survey Data as of April 1, 1975

Washington, D.C., November 18, 1975

PRODUCERS RECEIVING ADVANCES OF AT LEAST $5 MILLION UNDER A SINGLE AGREEMENT 1/

Schedule VI Page 1 of 4

PRODUCER	ADVANCES RECEIVED $	PROVED RESERVES (Mcf)	POTENTIAL RESERVES (Mcf)
Sohio Petroleum Company	175,000,000	6,000,000,000	--
California Chevron	122,730,499	545,612,780	1,096,408,000
Burmah Oil Development	92,199,000	2,315,000	462,556,000
Mobil Oil Corporation	86,940,000	598,666,110	312,142,000
Mesa Petroleum Company	76,552,153	70,525,000	662.131,246
Tenneco *	59,000,000	326,510,010	41,424,668
Cities Service *	53,485,980	194,164,988	689,625,014
Shell	45,277,510	835,051,875	118,613,000
Pennzoil Offshore Gas Operators * 2/	43,466,000	255,594,250	73,764,250
Getty	43,099,178	87,305,374	607,791,975
Skelly	40,486,602	198,935,911	457,260,028
La. Land & Offshore Expl.	37,800,000	69,448,000	16,666,000
Tenneco Oil & Minerals Ltd.	37,500,000	3,300,000,000	1,470,000,000
Exxon	37,018,109	231.600,000	[illegible]
Placid	35,914,425	259,088,041	303,793,614

1/ Includes Alaska and Canada.

2/ Pipeline-affiliated at date of agreements.

* Denotes pipeline-affiliated producer.

PRODUCERS RECEIVING ADVANCES OF AT LEAST $5 MILLION UNDER A SINGLE AGREEMENT 1/

Schedule VI Page 2 of 4

PRODUCER	ADVANCES RECEIVED $	PROVED RESERVES (Mcf)	POTENTIAL RESERVES (Mcf)
Hunt Oil	34,497,202	182,918,473	181,812,342
Atlantic Richfield Company	31,483,548	116,875,881	225,278,221
TransOcean	31,389,000	275,559,545	131,884,640
Imperial Oil Ltd.	30,004,507	447,556	8,000,066,820
Union of California	29,811,061	95,487,000	214,877,000
Sun Oil	29,087,809	259,854,000	283,699,000
Texas Eastern Expl. Company *	29,000,000	79,259,000	71,991,000
Marathon	28,500,000	141,608,000	16,667,000
Ashland Oil	24,315,934	190,679,059	145,441.896
Aquitaine Co. of Canada	21,125,623	1,383,729,352	206,590,792
Hamilton Bros. Oil Company	16,449,702	185,529,261	172,233,629
Continental Oil	15,677,000	148,624,257	22,875,085
Texas Gas Expl. *	14,962,000	59,450.032	227,466,556
Panhandle Western *	14,869,103	361,029,000	524,138,000
Pennzoil La. and Tex. Offshore * 2/	14,653,000	56,784,250	51,219,000

1/ Includes Alaska and Canada

2/ Pipeline-affiliated at date of agreement

* Denotes pipeline-affiliated producer.

PRODUCERS RECEIVING ADVANCES OF AT LEAST $5 MILLION UNDER A SINGLE AGREEMENT 1/

Schedule VI
Page 3 of 4

PRODUCER	ADVANCES RECEIVED $	PROVED RESERVES (Mcf)	POTENTIAL RESERVES (Mcf)
Ocean Drill & Expl.	13,734,385	35,441,470	76,251,230
Mallard	13,646,203	42,784,000	--
General American	13,474,230	16,398,340	198,000,000
Davis Oil	13,262,930	16,053,173	9,467,000
Texas Gulf	11,788,344	89,952,000	28,991,000
TransCanada Pipe Line	11,685,247	--	--
Midlands Gas Corporation *	10,958,555	172,500,000	128,000,000
Superior	10,842,474	265,818,268	144,254,107
Phillips Petroleum	10,742,256	47,934,000	28,991,000
Perry R. Bass	10,738,657	142,307,000	301,371,000
Union Texas Petroleum	10,410,544	47,934,000	28,991,000
Burmah Oil & Gas	10,391,261	11,704,000	--
B. P. Alaska	10,286,875	1,500,000,000	--
Rodman Corporation	10,000,000	83,719,669	350,000,000
Occidental Petroleum Corp.	9,697,500	48,998,900	33,566,361

1/ Includes Alaska and Canada

* Denotes pipeline-affiliated producer.

PRODUCERS RECEIVING ADVANCES OF AT LEAST $5 MILLION UNDER A SINGLE AGREEMENT 1/

Schedule VI
Page 4 of 4

PRODUCER	ADVANCES RECEIVED $	PROVED RESERVES (Mcf)	POTENTIAL RESERVES (Mcf)
Highland Resources	9,669,000	36,410,530	77,318,000
Amerada Hess	9,273,533	263,802,206	37,726,498
Coleve a jt. venture *	9,201,334	342,296,000	231,009,000
Mitchell Energy Corporation	8,596,000	910,100,000	64,728,000
La. Land & Expl. Company	8,500,000	28,004,072	--
Columbia Gas Dev. of Canada Ltd. *	8,201,263	1,353,000,000	248,000,000
Panarctic Oils Ltd.	7,991,859	2,000,000	--
Amoco Canada Ltd.	7,441,433	487,410,183	72,770,339
Clark Oil Production	6,861,063	29,645,278	24,699,825
Magnorth Petroleum Ltd	5,994,875	--	--
Columbia Gas Dev. Corporation *	5,370,000	76,583,000	--
Bridger Petroleum	5,301,632	27,450,000	10,000,000
Hudson Bay Oil & Gas	5,203,382	338,976,408	50,609,176
Forest Oil Corporation	5,000,000	--	29,141,000
Total	1,626,559,780 (77%)	22,929,874,502 (81%)	21,252,587,915 (90%)

1/ Includes Alaska and Canada.

* Denotes pipeline-affiliated producer.

Schedule I

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ALL AGREEMENTS REPORTED

	Amounts Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Agreements Dated Prior to November 10, 1971 (Schedule I(a))										
"Lower 48" States	536,430,395	3,117,975	82,701,753	251,052,917	132,630,620	53,542,468	6,177,558	529,223,291	128,359,688	31,345,284
Alaskan Area	175,750,000	-	-	2,162,191	-	175,000,000	-	177,162,191	-	2,162,191
Canadian Area	101,108,972	379,095	-	16,193,122	-	61,420,997	-	77,993,214	33,458,352	-
Subtotal, All Areas	813,289,367	3,497,070	82,701,753	269,408,230	132,630,620	289,963,465	6,177,558	784,378,696	161,818,040	33,507,475
Agreements Dated on or After November 10, 1971, But Prior to December 29, 1972 (Schedule I(b))										
"Lower 48" States	183,637,294	1,097,272	897,642	5,367,828	120,290,122	44,098,151	2,660,868	174,411,883	40,506,792	6,856,410
Alaskan Area	93,683,135	3,361,113	-	3,902,592	6,000,000	-	-	13,263,705	-	386,588
Canadian Area	200,000,514	-	-	-	30,000,000	514	-	30,000,514	15,000,435	-
Subtotal, All Areas	477,320,943	4,458,385	897,642	9,270,420	156,290,122	44,098,665	2,660,868	217,676,102	55,507,227	7,242,998
Agreements Dated on or After December 29, 1972, But Prior to December 28, 1973 (Schedule I(c))										
"Lower 48" States	836,745,722	2,884,222	-	454,666,115	178,600,309	29,532,600	87,500,000	753,183,446	12,593,465	348,000
Alaskan Area	40,454,667	-	-	25,688,001	12,500,000	-	-	38,188,001	-	-
Canadian Area	36,758,529	6,358,216	-	-	-	-	-	6,358,216	-	-
Subtotal, All Areas	913,958,918	9,242,438	-	480,354,116	191,100,509	29,532,600	87,500,000	797,729,663	12,593,465	348,000
Agreements Dated on or After December 28, 1973 (Schedule I(d))										
"Lower 48" States	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	4,312,716	187,500
Alaskan Area	-	-	-	-	-	-	-	-	-	-
Canadian Area	-	-	-	-	-	-	-	-	-	-
Subtotal, All Areas	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	4,312,716	187,500
Total, All Periods										
"Lower 48" States	2,049,830,862	11,171,691	84,528,910	883,134,132	546,555,927	145,116,077	100,055,276	1,770,562,013	185,772,661	38,737,194
Alaskan Area	309,887,802	3,361,113	-	31,752,784	18,500,000	175,000,000	-	228,613,897	-	2,548,779
Canadian Area	337,868,015	6,737,311	-	16,193,122	30,000,000	61,421,511	-	114,351,944	48,458,787	-
Total, All Areas	2,697,586,679	21,270,115	84,528,910	931,080,038	595,055,927	381,537,588	100,055,276	2,113,527,854	234,231,448	41,285,973

Schedule I(a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971

Areas	Amounts Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Appalachian	1,154,113	-	-	141,500	1,709,547	-	25,000	1,876,047	928,307	64,081
Other Southwest	8,639,550	253,710	262,840	1,692,000	6,596,000	-	-	8,804,550	5,415,645	1,222,218
South Louisiana	392,382,645	288,230	71,748,071	202,368,061	85,900,287	10,380,000	591,120	371,275,769	64,983,821	14,380,713
Texas Gulf Coast	20,143,810	474,895	5,408,457	24,002,626	2,573,661	910,000	-	33,369,639	8,570,056	4,335,260
Permian Basin	33,094,583	779,078	1,365,805	4,155,231	2,560,718	19,039,139	4,493,081	32,593,052	16,073,288	5,079,339
Hugoton-Anadarko	51,148,301	987,447	3,716,580	8,297,811	20,984,092	17,566,551	109,802	51,662,283	20,992,895	5,636,447
Rocky Mountain	29,867,393	334,615	-	10,395,688	12,306,315	5,646,778	958,555	29,641,951	11,395,676	627,226
Total, "Lower 48" States	536,430,395	3,117,975	82,701,753	251,052,917	132,630,620	53,542,468	6,177,558	529,223,291	128,359,688	31,345,284
Alaskan Area	175,750,000	-	-	2,162,191	-	175,000,000	-	177,162,191	-	2,162,191
Canadian Area	101,108,972	379,095	-	16,193,122	-	61,420,997	-	77,993,214	33,458,352	-
Total, Outside "Lower 48 States"	276,858,972	379,095	-	18,355,313	-	236,420,997	-	255,155,405	33,458,352	2,162,191
Total, All Areas	813,289,367	3,497,070	82,701,753	269,408,230	132,630,620	289,963,465	6,177,558	784,378,696	161,818,040	33,507,475

Schedule I(b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972

Areas	Amounts Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Appalachian	274,083	1,036,130	100,661	481,632	4,434,775	19,019,570	103,250	25,176,018	8,655,946	-
Other Southwest	3,827,981	-	796,981	-	183,780	31,000	-	1,011,761	135,180	-
South Louisiana	104,345,000	-	-	50,000	97,569,668	7,676,666	2,545,000	107,841,334	14,382,144	50,000
Texas Gulf Coast	4,680,000	-	-	-	3,150,000	1,350,000	-	4,500,000	1,695,000	20,000
Permian Basin	14,422,855	36,314	-	3,006,196	5,889,108	5,423,737	-	14,355,355	3,353,597	6,315,551
Hugoton-Anadarko	10,455,614	6,932	-	-	1,198,621	9,022,569	-	10,228,122	6,022,471	3,466
Rocky Mountain	11,948,837	17,896	-	1,830,000	7,864,170	1,574,609	12,618	11,299,293	6,262,454	467,393
Other	33,682,924	-	-	-	-	-	-	-	-	-
Total, "Lower 48" States	183,637,294	1,097,272	897,642	5,367,828	120,290,122	44,098,151	2,660,868	174,411,883	40,506,792	6,856,410
Alaskan Area	93,683,135	3,361,113	-	3,902,592	6,000,000	-	-	13,263,705	-	386,588
Canadian Area	200,000,514	-	-	-	30,000,000	514	-	30,000,314	15,000,435	-
Total, Outside "Lower 48 States"	293,683,649	3,361,113	-	3,902,592	36,000,000	514	-	43,264,219	15,000,435	386,588
Total, All Areas	477,320,943	4,458,385	897,642	9,270,420	156,290,122	44,098,665	2,660,868	217,676,102	55,507,227	7,242,998

Schedule I(c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973

Areas	Amounts Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Other (0)	20,109,712	262,453	-	625,281	-	-	-	887,734	124,729	-
Appalachian (1)	1,454,939	1,377,000	-	1,265,819	2,809,235	-	-	5,452,054	745,155	-
Other Southwest (2)	2,462,450	100,000	-	352,660	493,636	-	-	946,296	106,342	-
South Louisiana (3)	544,225,756	436,639	-	370,661,691	82,364,664	10,800,000	47,500,000	511,762,994	793,713	-
Texas Gulf Coast (4)	175,073,349	708,130	-	47,078,084	72,636,824	-	40,000,000	160,423,038	444,201	-
Permian Basin (5)	24,331,602	-	-	9,738,382	6,942,753	86,350	-	16,767,485	2,536,860	-
Hugoton Anadarko (6)	32,232,010	-	-	9,911,072	3,572,353	16,324,955	-	29,808,380	6,341,970	-
Rocky Mountain (7)	36,855,904	-	-	15,033,126	9,781,044	2,321,295	-	27,135,465	1,500,495	348,000
Total, "Lower 48 States"	836,745,722	2,884,222	-	454,666,115	178,600,509	29,532,600	87,500,000	753,183,446	12,593,465	348,000
Alaskan Area (8)	40,454,667	-	-	25,688,001	12,500,000	-	-	38,188,001	-	-
Canadian (9)	36,758,529	6,358,216	-	-	-	-	-	6,358,216	-	-
Total Outside "Lower 48 States"	77,213,196	6,358,216	-	25,688,001	12,500,000	-	-	44,546,217	-	-
Total, All Areas	913,958,918	9,242,438	-	480,354,116	191,100,509	29,532,600	87,500,000	797,729,663	12,593,465	348,000

Schedule I(d)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 28, 1973

Areas	Amounts Committed ($)	Actual Amounts Advanced							Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Amount Recovered ($)	Estimated Non-Recoverable ($)
Appalachian (1)	4,200,000	-	-	2,700,000	50,000	-	-	2,750,000	50,000	-
Other Southwest (2)	825,409	-	-	376,790	250,000	118,619	80,000	825,409	75,492	-
South Louisiana (3)	272,948,603	3,472,222	929,515	129,864,275	91,014,488	8,400,000	1,501,736	235,182,236	599,296	-
Texas Gulf Coast (4)	144,643,183	-	-	31,291,388	15,083,168	-	-	46,374,556	-	-
Permian Basin (5)	12,209,493	-	-	2,578,355	1,317,870	2,487,500	1,920,000	8,303,725	292,713	-
Hugoton Anadarko (6)	14,935,239	-	-	2,300,000	4,650,250	5,075,389	-	12,025,639	2,847,752	187,500
Rocky Mountain (7)	43,255,524	600,000	-	2,936,464	2,668,900	1,861,350	215,114	8,281,828	447,463	-
Total, "Lower 48" States	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	4,312,716	187,500
Alaskan Area (8)	-	-	-	-	-	-	-	-	-	-
Canadian (9)	-	-	-	-	-	-	-	-	-	-
Total Outside "Lower 48" States	-	-	-	-	-	-	-	-	-	-
Total, All Areas	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	4,312,716	187,500

Schedule II

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ALL AGREEMENTS REPORTED

Activity Supported by Advance Payment	Total Amount Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)
"Lower 48" States				
Preliminary Exploration	11,171,691	11,162	47,203,769	17,929,789
Lease Acquisition	84,528,910	162,333	561,870,386	1,019,217,942
Exploration Drilling	883,134,132	1,114,412	3,585,619,431	6,015,136,230
Development Drilling	546,555,927	1,780,740	5,178,018,604	4,415,028,210
Proved Reserves	145,116,077	1,068,922	3,159,290,578	507,048,382
Other	100,055,276	99,573	288,165,110	716,732,000
Total, "Lower 48" States	1,770,562,013	4,237,142	12,820,167,878	12,691,092,553
Outside "Lower 48" States				
Preliminary Exploration	10,098,424	-	-	-
Lease Acquisition	-	-	-	-
Exploration Drilling	47,945,906	30,000	1,416,600,000	1,779,600,000
Development Drilling	48,500,000	160,000	4,800,000,000	8,000,000,000
Proved Reserves	236,421,511	548,841	9,349,236,599	500,041,001
Other	-	-	-	-
Total, Outside "Lower 48" States	342,965,841	738,841	15,565,836,599	10,279,641,001
All Areas				
Preliminary Exploration	21,270,115	11,162	47,203,769	17,929,789
Lease Acquisition	84,528,910	162,333	561,870,386	1,019,217,942
Exploration Drilling	931,080,038	1,144,412	5,002,219,431	7,794,736,230
Development Drilling	595,055,927	1,940,740	9,978,018,604	12,415,028,210
Proved Reserves	381,537,588	1,617,763	12,508,527,177	1,007,089,383
Other	100,055,276	99,573	288,165,110	716,732,000
Total, All Areas	2,113,527,854	4,975,983	28,386,004,477	22,970,733,554

Schedule II(a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971

Activity Supported by Advance Payment	Total Amount Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)
"Lower 48" States				
Preliminary Exploration	3,117,975	10,802	45,734,249	14,426,369
Lease Acquisition	82,701,753	157,833	549,888,815	925,200,836
Exploration Drilling	251,052,917	589,424	2,073,316,297	876,339,547
Development Drilling	132,630,620	868,760	2,920,711,997	797,335,044
Proved Reserves	53,542,468	521,683	1,840,988,328	414,128,120
Other	6,177,558	51,483	142,946,000	131,351,000
Total, "Lower 48" States	529,223,291	2,199,985	7,573,585,686	3,158,780,916
Outside "Lower 48" States				
Preliminary Exploration	379,095	-	-	-
Lease Acquisition	-	-	-	-
Exploration Drilling	18,355,313	-	1,355,000,000	248,000,000
Development Drilling	-	-	-	-
Proved Reserves	236,420,997	548,833	9,349,186,871	500,033,577
Other	-	-	-	-
Total, Outside "Lower 48" States	255,155,405	548,833	10,704,186,871	748,033,577
All Areas				
Preliminary Exploration	3,497,070	10,802	45,734,249	14,426,369
Lease Acquisition	82,701,753	157,833	549,888,815	925,200,836
Exploration Drilling	269,408,230	589,424	3,428,316,297	1,124,339,547
Development Drilling	132,630,620	868,760	2,920,711,997	797,335,044
Proved Reserves	289,963,465	1,070,516	11,190,175,199	914,161,697
Other	6,177,558	51,483	142,946,000	131,351,000
Total, All Areas	784,378,696	2,748,818	18,277,772,557	3,906,814,493

Schedule II(b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972

Activity Supported by Advance Payment	Total Amount Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)
Lower "48 States"				
Preliminary Exploration	1,097,272	-	-	-
Lease Acquisition	897,642	4,500	11,981,571	94,017,106
Exploration Drilling	5,367,828	-	10,000,000	11,017,000
Development Drilling	120,290,122	354,669	1,151,202,185	500,826,832
Proved Reserves	44,098,151	254,106	669,260,231	26,093,900
Other	2,660,868	100	3,080,000	-
Total, "Lower 48" States	174,411,883	613,375	1,845,523,987	631,954,838
Outside "Lower 48" States				
Preliminary Exploration	3,361,113	-	-	-
Lease Acquisition	-	-	-	-
Exploration Drilling	3,902,592	30,000	61,600,000	61,600,000
Development Drilling	36,000,000	-	1,500,000,000	8,000,000,000
Proved Reserves	514	8	49,728	7,424
Other	-	-	-	-
Total, Outside "Lower 48" States	43,264,219	30,008	1,561,649,728	8,061,607,424
All Areas				
Preliminary Exploration	4,458,385	-	-	-
Lease Acquisition	897,642	4,500	11,981,571	94,017,106
Exploration Drilling	9,270,420	30,000	71,600,000	72,617,000
Development Drilling	156,290,122	354,669	2,651,202,185	8,500,826,832
Proved Reserves	44,098,665	254,114	669,309,959	26,101,324
Other	2,660,868	100	3,080,000	-
Total, All Areas	217,676,102	643,383	3,407,173,715	8,693,562,262

Schedule II(c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973

Activity Supported by Advance Payment	Total Amount Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)
"Lower 48" States				
Preliminary Exploration	2,884,222	360	1,469,520	3,503,420
Lease Acquisition	-	-	-	-
Exploration Drilling	454,666,115	367,888	1,047,682,120	2,389,550,389
Development Drilling	178,600,509	342,815	557,587,826	2,058,222,820
Proved Reserves	29,532,600	143,026	385,727,962	13,779,362
Other	87,500,000	43,990	142,139,110	535,653,000
Total, "Lower 48" States	753,183,446	898,079	2,134,606,538	5,000,708,991
Outside "Lower 48" States				
Preliminary Exploration	6,358,216	-	-	-
Lease Acquisition	-	-	-	-
Exploration Drilling	25,688,001	-	-	1,470,000,000
Development Drilling	12,500,000	160,000	3,300,000,000	-
Proved Reserves	-	-	-	-
Other	-	-	-	-
Total, Outside "Lower 48" States	44,546,217	160,000	3,300,000,000	1,470,000,000
All Areas				
Preliminary Exploration	9,242,438	360	1,469,520	3,503,420
Lease Acquisition	-	-	-	-
Exploration Drilling	480,354,116	367,888	1,047,682,120	3,859,550,389
Development Drilling	191,100,509	502,815	3,857,587,826	2,058,222,820
Proved Reserves	295,532,600	143,026	385,727,962	13,779,362
Other	87,500,000	43,990	142,139,110	535,653,000
Total, All Areas	797,729,663	1,058,079	5,434,606,538	6,470,708,991

Schedule II(d)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 28, 1973

Activity Supported by Advance Payment	Total Amount Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)
"Lower 48" States				
Preliminary Exploration	4,072,222	-	-	-
Lease Acquisition	929,515	-	-	-
Exploration Drilling	172,047,272	157,100	454,621,014	2,738,229,294
Development Drilling	115,034,676	214,496	548,516,596	1,058,643,514
Proved Reserves	17,942,858	150,107	263,314,057	53,047,000
Other	3,716,850	4,000	-	49,728,000
Total, "Lower 48" States	313,743,393	525,703	1,266,451,667	3,899,647,808
Outside "Lower 48" States				
Preliminary Exploration	-	-	-	-
Lease Acquisition	-	-	-	-
Exploration Drilling	-	-	-	-
Development Drilling	-	-	-	-
Proved Reserves	-	-	-	-
Other	-	-	-	-
Total, Outside "Lower 48" States	-	-	-	-
All Areas				
Preliminary Exploration	4,072,222	-	-	-
Lease Acquisition	929,515	-	-	-
Exploration Drilling	172,047,272	157,100	454,621,014	2,738,229,294
Development Drilling	115,034,676	214,496	548,516,596	1,058,643,514
Proved Reserves	17,942,858	150,107	263,314,057	53,047,000
Other	3,716,850	4,000	-	49,728,000
Total, All Areas	313,743,393	525,703	1,266,451,667	3,899,647,808

Schedule III(a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971
AREAS WITHIN "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cascade Natural Gas Corp.	-	-	-	-	-	142,513	-	142,513	3,988	8,623,500	-	69,180	-
Cities Service Gas Company	15,655,868	-	222,070	-	2,750,000	8,733,798	-	11,705,868	28,630	136,486,172	355,000,000	8,389,636	894,254
Colorado Interstate Gas Co.	2,005,555	-	-	-	1,690,716	314,839	-	2,005,555	8,108	23,640,344	-	1,766,605	-
Columbia Gas Transmission Corp.	40,209,113	-	33,196,750	5,999,750	3,318,272	-	25,000	42,539,772	72,000	209,496,099	115,984,000	7,916,689	64,081
El Paso Natural Gas Company	22,373,426	-	-	4,996,377	11,630,813	-	-	16,627,190	38,595	62,130,000	4,063,000	1,393,068	4,349,177
Kansas Nebraska Natural Gas Co.	1,900,000	-	-	-	900,000	-	958,555	1,858,555	3,104	23,195,875	-	1,381,834	-
Michigan Wisconsin Pipe Line Co.	42,930,186	775,677	4,947,335	1,398,634	46,413,996	1,498,507	-	55,034,149	524,589	1,442,645,520	357,009,505	14,491,847	-
Mid Louisiana Gas Co.	298,683	-	-	124,766	-	150,000	-	274,766	1,800	4,388,000	-	150,000	124,766
Montana Dakota Utilities Co.	187,500	-	-	-	187,500	-	-	187,500	30	200,000	-	-	125,000
Natural Gas Pipeline Co. of America	94,206,212	1,732,683	33,854,799	61,155,034	15,596,000	1,416,186	-	113,754,702	358,442	2,370,359,000	1,237,880,000	22,173,468	6,305,063
Northern Natural Gas Company	37,614,932	-	-	1,540,000	2,000,000	28,634,874	4,602,883	36,777,757	303,747	1,006,187,000	44,314,000	21,860,036	2,769,320
Panhandle Eastern Pipe Line Co.	25,689,303	334,615	-	11,225,063	11,928,099	1,697,296	-	25,185,073	152,481	527,496,575	419,617,000	7,699,256	660,197
Southern Natural Gas Company	49,250,000	-	1,799,903	34,554,377	5,060,056	-	-	41,414,336	85,165	173,558,789	74,635,611	2,682,876	-
Tennessee Gas Pipeline Company	7,044,000	-	-	-	6,999,000	-	-	6,999,000	8,400	47,153,604	-	2,640,335	-
Texas Eastern Transmission Corp.	82,500,000	-	-	67,500,000	15,000,000	-	-	82,500,000	285,961	574,909,000	134,590,000	12,499,441	-
Texas Gas Transmission Corporation	10,710,000	-	8,000,000	2,635,000	75,000	-	-	10,710,000	37,700	95,308,000	-	5,131,681	1,135,000
Transcontinental Gas Pipe Line Corp.	45,170,971	275,000	-	36,610,971	1,000,000	4,990,000	135,000	43,010,971	75,233	183,376,915	22,000,000	7,292,843	14,359,165
Transwestern Pipeline Company	5,314,455	-	-	500,000	-	814,455	-	1,314,455	576	20,243,822	-	441,498	500,000
Trunkline Gas Company	47,814,071	-	680,896	22,312,945	3,481,168	5,150,000	-	31,625,009	138,010	552,665,471	389,108,000	7,497,006	59,261
United Gas Pipe Line Company	5,556,120	-	-	500,000	4,600,000	-	456,120	5,556,120	73,426	111,522,000	9,599,800	2,882,379	-
Total, All Pipe Lines	536,430,395	3,117,975	82,701,753	251,052,917	132,630,620	53,542,468	6,177,558	529,223,291	2,199,985	7,573,585,686	3,158,780,916	128,359,688	31,345,284

Schedule III(b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972
AREAS WITHIN "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Company	2,900,920	-	796,981	-	146,094	675,658	-	1,618,733	9,954	40,717,141	94,017,106	1,084,119	-
Colorado Interstate Gas Company	6,512,509	-	-	1,300,000	4,218,169	794,340	-	6,512,509	8,013	74,687,903	7,713,832	3,806,635	-
Columbia Gas Transmission Corp.	22,644,083	-	-	120,833	36,006,109	-	103,250	36,230,192	124,000	574,015,623	276,009,000	8,863,906	-
El Paso Natural Gas Co.	8,487,425	36,314	-	2,841,196	5,609,915	-	-	8,487,425	15,625	16,308,000	-	1,088,859	6,315,551
McCulloch Interstate Gas Corp.	2,750,000	-	-	-	2,552,000	-	-	2,552,000	5,000	9,000,000	4,000,000	1,679,831	-
Michigan Wisconsin Pipe Line Co.	1,142,482	-	-	-	-	2,358,762	-	2,358,762	11,624	44,973,000	-	1,561,178	-
Mid Louisiana Gas Company	50,000	-	-	50,000	-	-	-	50,000	-	-	-	-	50,000
Montana Dakota Utilities Co.	467,618	-	-	330,000	125,000	-	12,618	467,618	100	1,000,000	-	-	455,000
Natural Gas Pipeline Co. of America	19,051,000	-	-	-	18,333,780	901,000	-	19,234,780	99,600	196,341,000	122,501,000	692,376	20,000
Northern Natural Gas Co.	11,567,784	925,762	-	165,000	-	11,250,554	-	12,341,316	126,613	308,687,000	16,250,000	5,115,112	-
Panhandle Eastern Pipe Line Co.	3,145,549	24,828	-	-	1,800,721	791,601	-	2,617,150	8,477	27,777,119	12,402,000	1,120,063	15,859
Southern Natural Gas Co.	56,022,924	110,368	100,661	360,799	12,840,000	23,019,570	-	36,431,398	38,731	151,790,000	23,092,000	7,628,241	-
Tennessee Gas Pipeline Co.	34,190,000	-	-	-	31,083,334	606,666	2,545,000	34,235,000	117,665	270,517,830	-	4,206,006	-
Texas Eastern Transmission Corp.	2,500,000	-	-	-	2,500,000	-	-	2,500,000	2,000	9,285,000	-	751,373	-
Transcontinental Gas Pipe Line Corp.	8,240,000	-	-	-	1,200,000	3,700,000	-	4,900,000	27,600	60,343,371	9,843,900	2,649,249	-
Transwestern Pipeline Company	500,000	-	-	-	500,000	-	-	500,000	1,373	2,392,000	2,110,000	116,058	-
Trunkline Gas Co.	3,465,000	-	-	-	3,375,000	-	-	3,375,000	17,000	57,689,000	64,016,000	143,786	-
Total, All Pipe Lines	183,637,294	1,097,272	897,642	5,367,828	120,290,122	44,098,151	2,660,868	174,411,883	613,375	1,845,523,987	631,954,838	40,506,792	6,856,410

Schedule III(c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973
AREAS WITHIN "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Co.	5,999,324	-	-	-	1,225,049	450,000	-	1,675,049	2,450	9,858,056	17,779,362	195,266	-
Colorado Interstate Gas Co.	4,907,290	-	-	200,000	3,199,973	1,507,317	-	4,907,290	14,830	44,091,854	1,426,670	738,979	-
Columbia Gas Transmission Corp.	178,120	-	-	-	2,809,235	-	-	2,809,235	-	41,202,830	-	745,125	-
Consolidated Gas Supply Corp.	10,595,000	1,254,481	-	6,868,785	2,471,734	-	-	10,595,000	23,600	74,696,000	285,258,000	7,371	-
El Paso Natural Gas Co.	7,635,664	-	-	-	6,395,664	-	-	6,395,664	28,600	52,881,000	-	2,819,373	-
Kansas Nebraska Natural Gas Co.	10,450,000	-	-	10,000,000	236,250	-	-	10,236,250	30,066	172,510,000	128,000,000	27,591	-
Kentucky West Virginia Gas Co.	1,000,000	-	-	1,000,000	-	-	-	1,000,000	-	8,052,600	1,000,000	-	-
Louisiana Nevada Transit Co.	1,000,000	-	-	-	400,000	-	-	400,000	1,732	1,847,706	1,059,900	98,971	-
McCulloch Interstate Gas Corp.	75,000	-	-	-	75,000	-	-	75,000	11,500	41,366,000	15,504,000	8,128	-
Michigan Wisconsin Pipeline Co.	111,955,814	-	-	39,924,469	64,818,842	7,637,620	-	112,380,931	18,218	46,326,000	2,040,807,831	2,165,469	-
Mississippi River Transmission Corp.	875,000	-	-	1,423,380	-	-	-	1,423,380	662	750,000	-	-	-
Montana Dakota Utilities Co.	1,079,100	-	-	348,000	147,500	838,600	-	1,334,100	3,586	50,308,000	-	128,256	348,000
Natural Gas Pipeline Co. of America	174,449,000	-	-	83,687,382	-	-	87,500,000	171,187,382	34,900	52,761,000	1,200,679,000	566,424	-
Northern Natural Gas Co.	14,199,954	-	-	2,611,524	2,894,393	7,700,518	-	13,206,435	87,238	169,669,000	-	3,237,682	-
Panhandle Eastern Pipeline Co.	28,367,681	-	-	10,740,140	6,122,321	598,545	-	17,461,006	9,874	21,088,000	40,231,000	853,594	-
Southern Natural Gas Co.	38,917,500	1,529,741	-	4,108,370	1,004,469	-	-	6,642,580	7,141	22,130,920	80,593,910	124,759	-
Tennessee Gas Pipeline Co.	153,200,000	-	-	135,400,450	7,000,000	10,800,000	-	153,200,450	147,699	499,592,790	889,649,668	586,667	-
Texas Eastern Transmission Corp.	93,091,622	-	-	92,600,000	491,622	-	-	93,091,622	108,300	252,959,000	57,618,000	82,764	-
Transcontinental Gas Pipeline Co.	54,913,653	-	-	8,544,115	9,835,266	-	-	18,379,381	79,400	109,000,000	31,000,000	207,046	-
Trunkline Gas Co.	57,399,500	100,000	-	57,209,500	4,252,521	-	-	61,562,021	-	108,451,000	55,648,000	-	-
United Gas Pipeline Co.	66,456,500	-	-	-	65,220,670	-	-	65,220,670	288,283	355,064,782	154,453,650	-	-
Total, All Pipe Lines	836,745,722	2,884,222	-	454,666,115	178,600,509	29,532,600	87,500,000	753,183,446	898,079	2,134,606,538	5,000,708,991	12,593,465	348,000

Schedule III(d)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 28, 1973
AREAS WITHIN "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Co.	13,837,116	-	-	762,585	2,909,375	105,000	-	3,776,960	1,225	7,541,470	140,540,775	2,297,367	187,500
Colorado Interstate Gas Co.	5,506,400	-	-	2,150,000	2,418,900	937,500	-	5,506,400	9,946	120,054,700	11,375,000	77,000	-
Columbia Gas Transmission Corp.	12,500,000	-	-	2,324,999	10,224,999	-	-	12,549,998	-	54,871,335	45,000,000	50,000	-
El Paso Natural Gas Co.	1,292,732	-	-	-	392,870	269,094	-	661,964	2,300	4,212,000	-	32,016	-
Kansas Nebraska Natural Gas Co.	450,000	-	-	-	325,000	-	-	325,000	4,040	8,481,625	-	37,630	-
Kentucky West Virginia Gas Co.	2,700,000	-	-	2,700,000	-	-	-	2,700,000	-	12,250,900	5,700,000	-	-
Michigan Wisconsin Pipeline Co.	16,210,166	-	-	13,958,500	1,912,000	1,166,683	-	17,037,183	7,810	53,227,338	691,879,279	56,091	-
Montana Dakota Utilities Company	331,114	-	-	-	-	116,000	215,114	331,114	5,000	1,385,000	-	24,828	-
Natural Gas Pipeline Co. of America	22,474,000	-	-	2,640,000	2,059,000	-	2,000,000	6,699,000	26,000	38,707,000	98,269,000	-	-
Northern Natural Gas Co.	7,272,456	-	-	-	800,000	5,189,981	-	5,989,981	49,251	95,172,989	-	568,876	-
Northwest Pipeline Corp.	9,233,710	600,000	-	-	-	1,071,180	-	1,671,180	10,114	38,844,328	180,818,448	3,685	-
Panhandle Eastern Pipeline Co.	24,682,099	-	-	2,700,669	2,040,875	487,420	-	5,228,964	31,346	61,281,000	254,842,000	565,927	-
Southern Natural Gas Co.	34,992,900	3,472,222	-	48,715,084	-	-	-	52,187,306	53,500	130,122,000	285,632,000	-	-
Tennessee Gas Pipeline Co.	6,000,000	-	-	-	-	6,000,000	-	6,000,000	15,000	16,329,950	2,012,750	-	-
Texas Eastern Transmission Corp.	27,799,989	-	-	474,000	27,325,989	-	-	27,799,989	80,000	54,772,000	169,976,000	54,370	-
Texas Gas Transmission Corp.	43,000,000	-	-	-	6,962,000	-	-	6,962,000	61,176	27,730,032	227,966,556	-	-
Transcontinental Gas Pipeline Corp.	112,915,714	-	-	17,877,673	9,337,168	2,400,000	-	29,614,841	104,400	86,100,000	74,700,000	-	-
Transwestern Pipeline Co.	2,878,355	-	-	2,578,355	-	200,000	-	2,778,355	8,707	13,883,000	50,242,000	-	-
Trunkline Gas Co.	118,230,400	-	-	73,442,500	30,100,000	-	-	103,542,500	-	360,780,000	685,972,000	-	-
United Gas Pipeline Co.	19,210,300	-	-	983,400	18,226,500	-	-	19,209,900	50,388	75,605,000	52,022,000	-	-
Washington Gas Light Co.	11,500,000	-	929,515	739,507	-	-	1,501,736	3,170,758	5,500	5,100,000	922,700,000	544,926	-
Total, All Pipe Lines	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	525,703	1,266,451,667	3,899,647,808	4,312,716	187,500

Schedule IV

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ALL AGREEMENTS REPORTED
AREAS OUTSIDE "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	187,500,000	-	-	8,201,263	-	175,000,000	-	183,201,263	-	7,353,000,000	248,000,000	-	-
El Paso Natural Gas Co.	16,637,802	-	-	4,590,593	-	-	-	4,590,593	30,000	61,600,000	61,600,000		386,588
Michigan Wisconsin Pipe Line Co.	80,750,000	-	-	2,162,191	15,000,000	-	-	17,162,191	-	-	4,000,000,000	15,000,000	2,162,191
Natural Gas Pipeline Co. of America	126,560,000	-	-	-	15,000,000	6,560,000	-	21,560,000	-	-	4,000,000,000	6,560,000	-
Northern Natural Gas Co.	181,245,268	10,098,424	-	7,991,859	6,000,000	49,736,264	-	73,826,547	548,841	4,851,236,599	500,041,001	21,773,540	-
Tennessee Gas Pipeline Co.	42,625,247	-	-	25,000,000	12,500,000	5,125,247	-	42,625,247	160,000	3,300,000,000	1,470,000,000	5,125,247	-
Total, All Pipe Lines	647,755,817	10,098,424	-	47,945,906	48,500,000	236,421,511	-	342,965,841	738,841	15,565,836,599	10,279,641,001	48,458,787	2,548,779

Schedule IV(a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971
AREAS OUTSIDE "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	187,500,000	-	-	8,201,263	-	175,000,000	-	183,201,263	-	7,353,000,000	248,000,000	-	-
Michigan Wisconsin Pipe Line Co.	750,000	-	-	2,162,191	-	-	-	2,162,191	-	-	-	-	2,162,191
Natural Gas Pipeline Co. of America	6,560,000	-	-	-	-	6,560,000	-	6,560,000	-	-	-	6,560,000	-
Northern Natural Gas Co.	76,923,725	379,095	-	7,991,859	-	49,735,750	-	58,106,704	548,833	3,351,186,871	500,033,577	21,773,105	-
Tennessee Gas Pipeline Co.	5,125,247	-	-	-	-	5,125,247	-	5,125,247	-	-	-	5,125,247	-
Total, All Pipe Lines	276,858,972	379,095	-	18,355,313	-	236,420,997	-	255,155,405	548,833	10,704,186,871	748,033,577	33,458,352	2,162,191

Schedule IV(b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972
AREAS OUTSIDE "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
El Paso Natural Gas Co.	13,683,135	-	-	3,902,592	-	-	-	3,902,592	30,000	61,600,000	61,600,000	-	386,588
Michigan Wisconsin Pipe Line Co.	80,000,000	-	-	-	15,000,000	-	-	15,000,000	-	-	4,000,000,000	15,000,000	-
Natural Gas Pipeline Co. of America	120,000,000	-	-	-	15,000,000	-	-	15,000,000	-	-	4,000,000,000	-	-
Northern Natural Gas Co.	80,000,514	3,361,113	-	-	6,000,000	514	-	9,361,627	8	1,500,049,728	7,424	435	-
Total, All Pipe Lines	293,683,649	3,361,113	-	3,902,592	36,000,000	514	-	43,264,219	30,008	1,561,649,728	8,061,067,424	15,000,435	386,588

Schedule IV(c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973
AREAS OUTSIDE "LOWER 48" STATES

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
El Paso Natural Gas Co.	2,954,667	-	-	688,001	-	-	-	688,001	-	-	-	-	-
orthern Natural Gas Co.	36,758,529	6,358,216	-	-	-	-	-	6,358,216	-	-	-	-	-
nnessee Gas Pipeline Co.	37,500,000	-	-	25,000,000	12,500,000	-	-	37,500,000	160,000	3,300,000,000	1,470,000,000	-	-
	[illegible]	6,358,216	-	25,688,001	12,500,000	-	-	44,546,217	160,000	3,300,000,000	1,470,000,000	-	-

Schedule IV(1)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ALL AGREEMENTS REPORTED
ALASKA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	175,000,000	-	-	-	-	175,000,000	-	175,000,000	-	6,000,000,000	-	-	-
El Paso Natural Gas Co.	16,637,802	-	-	4,590,593	-	-	-	4,590,593	30,000	61,600,000	61,600,000	-	386,588
Michigan Wisconsin Pipe Line Co.	750,000	-	-	2,162,191	-	-	-	2,162,191	-	-	-	-	2,162,191
Northern Natural Gas Co.	80,000,000	3,361,113	-	-	6,000,000	-	-	9,361,113	-	1,500,000,000	-	-	-
Tennessee Gas Pipeline Co.	37,500,000	-	-	25,000,000	12,500,000	-	-	37,500,000	160,000	3,300,000,000	1,470,000,000	-	-
Total, All Pipe Lines	309,887,802	3,361,113	-	31,752,784	18,500,000	175,000,000	-	228,613,897	190,000	10,861,600,000	1,531,600,000	-	2,548,779

Schedule IV(1a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971
ALASKA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	175,000,000	-	-	-	-	175,000,000	-	175,000,000	-	6,000,000,000	-	-	-
Michigan Wisconsin Pipe Line Co.	750,000	-	-	2,162,191	-	-	-	2,162,191	-	-	-	-	2,162,191
Total, All Pipe Lines	175,750,000	-	-	2,162,191	-	175,000,000	-	177,162,191	-	6,000,000,000	-	-	2,162,191

Schedule IV(1b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972
ALASKA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
El Paso Natural Gas Co.	13,683,135	-	-	3,902,592	-	-	-	3,902,592	30,000	61,600,000	61,600,000	-	386,588
Northern Natural Gas Co.	80,000,000	3,361,113	-	-	6,000,000	-	-	9,361,113	-	1,500,000,000	-	-	-
Total, All Pipe Lines	93,683,135	3,361,113	-	3,902,592	6,000,000	-	-	13,263,705	30,000	1,561,600,000	61,600,000	-	386,588

Schedule IV(1c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973
ALASKA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
El Paso Natural Gas Co.	2,954,667	-	-	688,001	-	-	-	688,001	-	-	-	-	-
Tennessee Gas Pipeline Co.	37,500,000	-	-	25,000,000	12,500,000	-	-	37,500,000	160,000	3,300,000,000	1,470,000,000	-	-
Total, All Pipe Lines	40,454,667	-	-	25,688,001	12,500,000	-	-	38,188,001	160,000	3,300,000,000	1,470,000,000	-	-

Schedule IV(2)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ALL AGREEMENTS REPORTED
CANADA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced							Productivity and Reserves			Status of Recoupment	
		Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	12,500,000	-	-	8,201,263	-	-	-	8,201,263	-	1,353,000,000	248,000,000	-	-
Michigan Wisconsin P/L Co.	80,000,000	-	-	-	15,000,000	-	-	15,000,000	-	-	4,000,000,000	15,000,000	-
Natural Gas Pipeline Co. of America	126,560,000	-	-	-	15,000,000	6,560,000	-	21,560,000	-	-	4,000,000,000	6,560,000	-
Northern Natural Gas Co.	113,682,768	6,737,311	-	7,991,859	-	49,736,264	-	64,465,434	548,841	3,351,236,599	500,041,001	21,773,540	-
Tennessee Gas Pipeline Co.	5,125,247	-	-	-	-	5,125,247	-	5,125,247	-	-	-	5,125,247	-
Total, All Pipe Lines	337,868,015	6,737,311	-	16,193,122	30,000,000	61,421,511	-	114,351,944	548,841	4,704,236,599	8,748,041,001	48,458,787	-

Schedule IV(2a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971
CANADA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission	12,500,000	-	-	8,201,263	-	-	-	8,201,263	-	1,353,000,000	248,000,000	-	-
Natural Gas Pipeline Co. of America	6,560,000	-	-	-	-	6,560,000	-	6,560,000	-	-	-	6,560,000	-
Northern Natural Gas Co.	76,923,725	379,095	-	7,991,859	-	49,735,750	-	58,106,704	548,833	3,351,186,871	500,033,577	21,773,105	-
Tennessee Gas Pipeline Co.	5,125,247	-	-	-	-	5,125,247	-	5,125,247	-	-	-	5,125,247	-
Total, All Pipe Lines	101,108,972	379,095	-	16,193,122	-	61,420,997	-	77,993,214	548,833	4,704,186,871	748,033,577	33,458,352	-

Schedule IV(2b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972
CANADA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Michigan Wisconsin Pipeline Co.	80,000,000	-	-	-	15,000,000	-	-	15,000,000	-	-	4,000,000,000	15,000,000	-
Natural Gas Pipeline Co. of America	120,000,000	-	-	-	15,000,000	-	-	15,000,000	-	-	4,000,000,000	-	-
Northern Natural Gas Co.	514	-	-	-	-	514	-	514	8	49,728	7,424	435	-
Totals, All Pipe Lines	200,000,514	-	-	-	30,000,000	514	-	30,000,514	8	49,728	8,000,007,424	15,000,435	-

Schedule IV(2c)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973
CANADA

Pipe Line Company	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Productivity and Reserves: Productive Capacity (Mcf per day)	Proved Reserves (Mcf)	Potential Reserves (Mcf)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Northern Natural Gas Co.	36,758,529	6,358,216	-	-	-	-	-	6,358,216	-	-	-	-	-

Schedule V
Page 1 of 2

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCE PAYMENTS TO PIPE LINE AFFILIATES
ALL AGREEMENTS REPORTED

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Co.												
CSG Exploration Co.	Hugoton-Anadarko	1	654,215	-	-	-	559,799	-	-	559,799	29,095	-
CSG Exploration Co.	Rocky Mountain	1	3,885,795	-	-	385,795	-	-	-	385,795	-	-
CSG Exploration Co.	Other Southwest	1	76,790	-	-	76,790	-	-	-	76,790	-	-
Colorado Interstate Gas Co.												
Gas Producing Enterprises, Inc.	Rocky Mountain	2	2,324,973	-	-	-	2,324,973	-	-	2,324,973	-	-
Colorado Oil and Gas Corp.	Rocky Mountain	2	1,675,000	-	-	-	1,675,000	-	-	1,675,000	50,000	-
Columbia Gas Transmission Corp.												
Columbia Gas Development Corp.	South Louisiana	1	5,370,000	-	-	-	5,370,000	-	-	5,370,000	2,685,000	-
Columbia Gas Development of Canada, Ltd.	Canada	1	12,500,000	-	-	8,201,263	-	-	-	8,201,263	-	-
Consolidated Gas Supply Corp.												
CNG Producing Co.	South Louisiana	2	7,401,038	436,639	-	5,911,301	1,053,098	-	-	7,401,038	-	-
CNG Producing Co.	Other Southwest	1	221,937	-	-	128,301	93,636	-	-	221,937	7,371	-
CNG Producing Co.	Other	1	109,712	109,712	-	-	-	-	-	109,712	-	-
CNG Producing Co.	Texas Gulf Coast	1	2,862,313	708,130	-	829,183	1,325,000	-	-	2,862,313	-	-
Kansas Nebraska Natural Gas Co.												
Midlands Gas Corp.	Rocky Mountain	2	11,000,000	-	-	10,000,000	-	-	958,555	10,958,555	520,376	-
Kentucky West Virginia Gas Co.												
Philadelphia Oil Co.	Appalachian	2	1,900,000	-	-	1,900,000	-	-	-	1,900,000	-	-
Michigan Wisconsin Pipe Line Co.												
American Natural Gas Production Co.	Texas Gulf Coast	2	4,538,188	-	-	4,538,188	-	-	-	4,538,188	-	-
American Natural Gas Production Co.	South Louisiana	2	2,285,000	288,230	1,793,597	3,683,634	-	-	-	5,765,461	1,294,882	-
American Natural Gas Production Co.	Alaska	1	-	-	-	-	-	-	-	-	-	-
American Natural Gas Production Co.	Hugoton-Anadarko	1	-	487,447	3,153,738	-	4,763,997	-	-	8,405,182	1,093,407	-
Mississippi River Transmission Corp.												
MRT Exploration Co.	Other Southwest	1	-	-	-	29,796	-	-	-	29,796	-	-
MRT Exploration Co.	Hugoton-Anadarko	1	-	-	-	745,807	-	-	-	745,807	-	-
Northern Natural Gas Co.												
Magnorth Petroleum Ltd.	Canada	1	36,204,978	5,994,875	-	-	-	-	-	5,994,875	-	-
Panhandle Eastern Pipe Line Co.												
Panhandle Western Gas Co.	Rocky Mountain	2	29,618,434	-	-	9,200,669	5,668,434	-	-	14,869,103	634,292	-
Southern Natural Gas Co.												
Sonat Exploration Co.	South Louisiana	5	23,500,000	3,472,222	1,799,903	1,190,768	5,060,056	-	-	11,522,949	269,103	-
The Offshore Co.	South Louisiana	6	5,310,000	-	-	1,596,922	1,027,084	-	-	2,624,006	318,421	-
Sonat Exploration Co.	Other	2	20,000,000	1,529,741	-	625,281	-	-	-	2,155,022	124,759	-
Tennessee Gas Pipeline Co.												
Tenneco Oil Co.	South Louisiana	3	59,000,000	-	-	52,000,000	7,000,000	-	-	59,000,000	466,667	-
Tenneco Oil and Minerals Ltd.	Alaska	1	37,500,000	-	-	25,000,000	12,500,000	-	-	37,500,000	-	-
Texas Eastern Transmission Corp.												
Texas Eastern Exploration Co.	South Louisiana	3	29,000,000	-	-	29,000,000	-	-	-	29,000,000	-	-
Texas Gas Transmission Corp.												
Texas Gas Exploration Corp.	South Louisiana	2	23,000,000	-	8,000,000	-	5,164,000	-	-	13,164,000	3,509,421	-
Texas Gas Exploration Corp.	Texas Gulf Coast	1	28,000,000	-	-	-	1,798,000	-	-	1,798,000	-	-
Transcontinental Gas Pipeline Co.												
Transco Exploration Co.	Appalachian	1	276,819	-	-	265,819	-	-	-	265,819	-	-
Transco Exploration Co.	South Louisiana	3	28,357,218	-	-	3,226,936	3,833,906	-	-	7,060,842	207,046	-
Transco Exploration Co.	Texas Gulf Coast	4	8,104,103	-	-	2,223,160	1,279,728	-	-	3,502,888	-	-
Transco Exploration Co.	Other Southwest	1	175,513	-	-	175,513	-	-	-	175,513	-	-

Schedule V
Page 2 of 2

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCE PAYMENTS TO PIPE LINE AFFILIATES
ALL AGREEMENTS REPORTED

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Trunkline Gas Co.												
Anadarko Production Co.	South Louisiana	3	7,719,000	-	-	4,344,000	4,050,400	-	-	8,394,400	143,786	-
Trunkline Exploration Co.	Texas Gulf Coast	1	45,000	-	-	45,000	-	-	-	45,000	-	-
Trunkline Exploration Co.	Other Southwest	1	100,000	100,000	-	-	-	-	-	100,000	-	-
United Gas Pipeline Co.												
*Pennzoil Offshore Gas Operators, Inc.	South Louisiana	10	43,466,000	-	-	-	43,466,000	-	-	43,466,000	-	-
*Pennzoil La. & Texas Offshore, Inc.	South Louisiana	7	14,653,000	-	-	-	14,653,000	-	-	14,653,000	-	-
Washington Gas Light Co.												
Hampshire Gas Co.	Appalachian	1	1,500,000	-	-	-	-	-	-	-	-	-
Crab Run Gas Co.	South Louisiana	1	10,000,000	-	929,515	739,507	-	-	1,501,736	3,170,758	544,926	-
TOTAL, ADVANCES TO AFFILIATED PRODUCERS		85	462,335,026	13,126,996	15,676,753	166,063,633	122,666,111	-	2,460,291	319,993,784	11,898,552	-
TOTAL, ADVANCES TO NON-AFFILIATED PRODUCERS		1021	2,235,251,653	8,143,119	68,852,157	765,016,405	472,389,816	381,537,588	97,594,985	1,793,534,070	222,332,896	41,285,973
TOTAL, ADVANCES TO ALL PRODUCERS		1106	2,697,586,679	21,270,115	84,528,910	931,080,038	595,055,927	381,537,588	100,055,276	2,113,527,854	234,231,448	41,285,973

*Affiliated at time of agreement; status of affiliation in litigation.

Schedule V(a)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCES PAYMENTS TO PIPE LINE AFFILIATES
AGREEMENTS DATED PRIOR TO NOVEMBER 10, 1971

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission Corp. / Columbia Gas Development of Canada, Ltd.	Canada	1	12,500,000	-	-	8,201,263	-	-	-	8,201,263	-	-
Kansas Nebraska Natural Gas Co. / Midlands Gas Corp.	Rocky Mountain	1	1,000,000	-	-	-	-	-	958,555	958,555	520,376	-
Michigan Wisconsin Pipe Line Co.			-	-	-	-	-	-	-	-	-	-
American Natural Gas Production Co.	Alaska	1	-	-	-	-	-	-	-	-	-	-
American Natural Gas Production Co.	South Louisiana	1	-	288,230	1,793,597	1,398,634	-	-	-	3,480,461	1,294,882	-
American Natural Gas Production Co.	Hugoton-Anadarko	1	-	487,447	3,153,738	-	4,763,997	-	-	8,405,182	1,093,407	-
Panhandle Eastern Pipe Line Co. / Panhandle Western Gas Co.	Rocky Mountain	1	14,618,434	-	-	8,950,000	5,668,434	-	-	14,618,434	634,292	-
Southern Natural Gas Co.	South Louisiana	2	13,500,000	-	1,799,903	-	5,060,056	-	-	6,859,959	269,103	-
Sonat Exploration Co.	South Louisiana	1	1,300,000	-	-	104,377	-	-	-	104,377	43,387	-
The Offshore Co.												
Texas Eastern Transmission Corp. / Texas Eastern Exploration Co.	South Louisiana	1	10,500,000	-	-	10,500,000	-	-	-	10,500,000	-	-
Texas Gas Transmission Corp. / Texas Gas Exploration Corp.	South Louisiana	1	8,000,000	-	8,000,000	-	-	-	-	8,000,000	3,509,421	-
TOTAL, ADVANCES TO AFFILIATED PRODUCERS		11	61,418,434	775,677	14,747,238	29,154,274	15,492,487	-	958,555	61,128,231	7,364,868	-
TOTAL, ADVANCES TO NON-AFFILIATED PRODUCERS		393	751,870,933	2,721,393	67,954,515	240,253,956	117,138,133	289,963,465	5,219,003	723,250,465	154,453,172	33,507,475
TOTAL, ADVANCES TO ALL PRODUCERS		404	813,289,367	3,497,070	82,701,753	269,408,230	132,630,620	289,963,465	6,177,558	784,378,696	161,818,040	33,507,475

Schedule V(b)

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCE PAYMENTS TO PIPE LINE AFFILIATES
AGREEMENTS DATED ON OR AFTER NOVEMBER 10, 1971
BUT PRIOR TO DECEMBER 29, 1972

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Columbia Gas Transmission Corp. / Columbia Gas Development Corp.	South Louisiana	1	5,370,000	-	-	-	5,370,000	-	-	5,370,000	2,685,000	-
Southern Natural Gas Co. / The Offshore Co.	South Louisiana	1	840,000	-	-	-	840,000	-	-	840,000	275,034	-
Trunkline Gas Co. / Anadarko Production Co.	South Louisiana	1	3,375,000	-	-	-	3,375,000	-	-	3,375,000	143,786	-
TOTAL, ADVANCES TO AFFILIATED PRODUCERS		3	9,585,000	-	-	-	9,585,000	-	-	9,585,000	3,103,820	-
TOTAL, ADVANCES TO NON-AFFILIATED PRODUCERS		195	467,735,943	4,458,385	897,642	9,270,420	146,705,122	44,098,665	2,660,868	208,091,102	52,403,407	7,242,998
TOTAL, ADVANCES TO ALL PRODUCERS		198	477,320,943	4,458,385	897,642	9,270,420	156,290,122	44,098,665	2,660,868	217,676,102	55,507,227	7,242,998

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCE PAYMENTS TO PIPE LINE AFFILIATES
AGREEMENTS DATED ON OR AFTER DECEMBER 29, 1972
BUT PRIOR TO DECEMBER 28, 1973

Schedule V(c)

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Co.												
CSC Exploration Co.	Hugoton-Anadarko	1	654,215	-	-	-	559,799	-	-	559,799	29,095	-
Consolidated Gas Supply Corp.												
CNG Producing Co.	South Louisiana	2	7,401,038	436,639	-	5,911,301	1,053,098	-	-	7,401,038	-	-
CNG Producing Co.	Other Southwest	1	221,937	-	-	128,301	93,636	-	-	221,937	7,371	-
CNG Producing Co.	Other	1	109,712	109,712	-	-	-	-	-	109,712	-	-
CNG Producing Co.	Texas Gulf Coast	1	2,862,313	708,130	-	829,183	1,325,000	-	-	2,862,313	-	-
Colorado Interstate Gas Co.												
Colorado Oil and Gas Corp.	Rocky Mountain	2	1,675,000	-	-	-	1,675,000	-	-	1,675,000	50,000	-
Gas Producing Enterprises Inc.	Rocky Mountain	1	1,524,973	-	-	-	1,524,973	-	-	1,524,973	-	-
Kansas Nebraska Natural Gas Co.												
Midlands Gas Corp.	Rocky Mountain	1	10,000,000	-	-	10,000,000	-	-	-	10,000,000	-	-
Kentucky West Virginia Gas Co.												
Philadelphia Oil Co.	Appalachian	1	1,000,000	-	-	1,000,000	-	-	-	1,000,000	-	-
Michigan Wisconsin Pipeline Co.												
American Natural Gas Production Co.	Texas Gulf Coast	1	3,998,188	-	-	3,998,188	-	-	-	3,998,188	-	-
Mississippi River Transmission Corp.												
MRT Exploration Co.	Other Southwest	1	-	-	-	29,796	-	-	-	29,796	-	-
MRT Exploration Co.	Hugoton-Anadarko	1	-	-	-	745,807	-	-	-	745,807	-	-
Northern Natural Gas Co.												
Magnorth Petroleum Ltd.	Canada	1	36,204,978	5,994,875	-	-	-	-	-	5,994,875	-	-
Southern Natural Gas Co.												
The Offshore Co.	South Louisiana	2	3,170,000	-	-	681,545	187,084	-	-	868,629	-	-
Sonat Exploration Co.	Other	2	20,000,000	1,529,741	-	625,281	-	-	-	2,155,022	124,759	-
Sonat Exploration Co.	South Louisiana	1	10,000,000	-	-	462,084	-	-	-	462,084	-	-
Tennessee Gas Pipeline Co.												
Tenneco Oil Co.	South Louisiana	3	59,000,000	-	-	52,000,000	7,000,000	-	-	59,000,000	466,667	-
Tenneco Oil and Minerals Ltd.	Alaska	1	37,500,000	-	-	25,000,000	12,500,000	-	-	37,500,000	-	-
Texas Eastern Transmission Corp.												
Texas Eastern Exploration Co.	South Louisiana	2	18,500,000	-	-	18,500,000	-	-	-	18,500,000	-	-
Transcontinental Gas Pipeline Co.												
Transco Exploration Co.	Appalachian	1	276,819	-	-	265,819	-	-	-	265,819	-	-
Transco Exploration Co.	South Louisiana	2	28,357,218	-	-	3,223,351	3,833,906	-	-	7,057,257	207,046	-
Transco Exploration Co.	Texas Gulf Coast	2	8,104,103	-	-	1,879,432	1,360	-	-	1,880,792	-	-
Transco Exploration Co.	Other Southwest	1	175,513	-	-	175,513	-	-	-	175,513	-	-
Trunkline Gas Co.												
Anadarko Production Co.	South Louisiana	2	4,344,000	-	-	4,344,000	675,400	-	-	5,019,400	-	-
Trunkline Exploration Co.	Texas Gulf Coast	1	45,000	-	-	45,000	-	-	-	45,000	-	-
Trunkline Exploration Co.	Other Southwest	1	100,000	100,000	-	-	-	-	-	100,000	-	-
United Gas Pipeline Co.												
*Pennzoil Offshore Gas Operators, Inc.	South Louisiana	10	43,466,000	-	-	-	43,466,000	-	-	43,466,000	-	-
*Pennzoil La. & Texas Offshore, Inc.	South Louisiana	7	14,653,000	-	-	-	14,653,000	-	-	14,653,000	-	-
TOTAL, ADVANCES TO AFFILIATED PRODUCERS		53	313,344,007	8,879,097	-	129,844,601	88,548,256	-	-	227,271,954	884,938	-
TOTAL, ADVANCES TO NON-AFFILIATED PRODUCERS		239	600,614,911	363,341	-	350,509,515	102,552,253	29,532,600	87,500,000	570,457,709	11,708,527	348,000
TOTAL, ADVANCES TO ALL PRODUCERS		292	913,958,918	9,242,438	-	480,354,116	191,100,509	29,532,600	87,500,000	797,729,663	12,593,465	348,000

*Affiliated at time of agreement; status of affiliation in litigation.

1975 SUMMARY OF ADVANCE PAYMENT STATUS SURVEY
ADVANCE PAYMENTS TO PIPE LINE AFFILIATES
AGREEMENTS DATED ON OR AFTER DECEMBER 28, 1973

Schedule V(d)

Pipe Line Company / Affiliated Producer	Area	No. of Agmts.	Amount Committed ($)	Actual Amounts Advanced: Preliminary Exploration ($)	Lease Acquisition ($)	Exploration Drilling ($)	Development Drilling ($)	Proved Reserves ($)	Other ($)	Total Advanced ($)	Status of Recoupment: Amount Recovered ($)	Estimated Non-Recoverable ($)
Cities Service Gas Co.												
CSC Exploration Co.	Rocky Mountain	1	3,885,795	-	-	385,795	-	-	-	385,795	-	-
CSC Exploration Co.	Other Southwest	1	76,790	-	-	76,790	-	-	-	76,790	-	-
Colorado Interstate Gas Co.												
Gas Producing Enterprises Inc.	Rocky Mountain	1	800,000	-	-	-	800,000	-	-	800,000	-	-
Kentucky West Virginia Gas Co.												
Philadelphia Oil Co.	Appalachian	1	900,000	-	-	900,000	-	-	-	900,000	-	-
Michigan Wisconsin Pipeline Co.												
American Natural Gas Production Co.	Texas Gulf Coast	1	540,000	-	-	540,000	-	-	-	540,000	-	-
American Natural Gas Production Co.	South Louisiana	1	2,285,000	-	-	2,285,000	-	-	-	2,285,000	-	-
Panhandle Eastern Pipe Line Co.												
Panhandle Western Gas Co.	Rocky Mountain	1	15,000,000	-	-	250,669	-	-	-	250,669	-	-
Southern Natural Gas Co.												
The Offshore Co.	South Louisiana	2	-	-	-	811,000	-	-	-	811,000	-	-
Sonat Exploration Co.	South Louisiana	2	-	3,472,222	-	728,684	-	-	-	4,200,906	-	-
Texas Gas Transmission Corp.												
Texas Gas Exploration Corp.	South Louisiana	1	15,000,000	-	-	-	5,164,000	-	-	5,164,000	-	-
Texas Gas Exploration Corp.	Texas Gulf Coast	1	28,000,000	-	-	-	1,798,000	-	-	1,798,000	-	-
Transcontinental Gas Pipe Line Corp.												
Transcontinental Exploration Co.	Texas Gulf Coast	2	-	-	-	343,728	1,278,368	-	-	1,622,096	-	-
Transcontinental Exploration Co.	South Louisiana	1	-	-	-	3,585	-	-	-	3,585	-	-
Washington Gas Light Co.												
Hampshire Gas Co.	Appalachian	1	1,500,000	-	-	-	-	-	-	-	-	-
Crab Run Gas Co.	South Louisiana	1	10,000,000	-	929,515	739,507	-	-	1,501,736	3,170,758	544,926	-
TOTAL, ADVANCES TO AFFILIATED PRODUCERS		18	77,987,585	3,472,222	929,515	7,064,758	9,040,368	-	1,501,736	22,008,599	544,926	-
TOTAL, ADVANCES TO NON-AFFILIATED PRODUCERS		194	415,029,866	600,000	-	164,982,514	105,994,308	17,942,858	2,215,114	291,734,794	3,767,790	187,500
TOTAL, ADVANCES TO ALL PRODUCERS		212	493,017,451	4,072,222	929,515	172,047,272	115,034,676	17,942,858	3,716,850	313,743,393	4,312,716	187,500

[FR Doc.76-1347 Filed 1-16-76;8:45 am]

federal register

MONDAY, JANUARY 19, 1976



PART VI:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUEST

FEDERAL ELECTION COMMISSION

[Notice 1976–7, AOR 1976–2]

ADVISORY OPINION REQUEST

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Request 1976–2 is published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before February 3, 1976. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commisison. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion requests refer to specific AOR number of the Request commented upon, and that statutory references to be the United States Code citations, rather than to the Public Law Citations.

AOR 1976–2: Federal Candidates As Officers in State Political Association (Request Edited by the Commission)

DEAR COMMISSIONERS:

* * * * *

In Utah, there is an Organization * * * the One Hundred Club which is an informal unincorporated association. It receives contributions from a great many individuals for political purposes and the funds are dispensed through the authority of the undersigned who are the governing officers of the association. Most of the monies received are disbursed to the Democratic Party of the State of Utah and some contributions are made to candidates running for public office in the State of Utah and Federal candidates.

* * * [T]he funds are carefully segregated so that corporate funds, legal in the State of Utah, are not used for Federal candidates.

Specifically, the undersigned wish to know: (1) If the Federal Election Campaign Law is in any way violated if they serve as officers of the One Hundred Club [while] they [are candidates for] Federal offices, [having at the same time a principal] campaign committee * * * (2) whether it would make any difference * * * if the One Hundred Club contributed to the campaign of any Federal candidate including the undersigned.

* * * * *

FRANK E. MOSS,
Senator.
GUNN MCKAY,
Congressman.
ALLAN T. HOWE,
Congressman.
CALVIN L. RAMPTON,
Governor of Utah.

Source:

Honorable Frank E. Moss, 115 Russell Senate Office Building, Washington, D.C. 20510.

Honorable Gunn McKay, 417 Longworth House Office Building, Washington, D.C. 20515.

Honorable Allan T. Howe, 525 Longworth House Office Building, Washington, D.C. 20515.

Calvin L. Rampton, Governor, Utah State Capitol Building, Salt Lake City, Utah 84114 (January 5, 1976).

Dated: January 15, 1976.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.76–1667 Filed 1–16–76;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 43—Public Lands: Interior (Part 1000–End)_____ $7.10

Title 45—Public Welfare (Parts 100–199)_____ 6.80

Title 47—Telecommunication (Parts 0–19)_____ 4.25

Title 49—Transportation (Parts 1200–1299)_____ 7.65

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**